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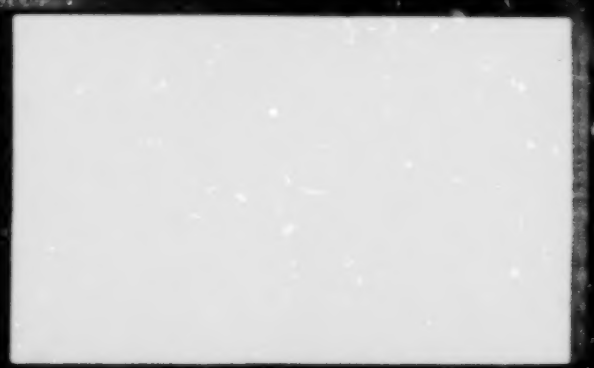

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THE SUSPENSION AND REVOCATION PROCESS IN CANADA: A STUDY OF HOW AND WHY FEDERAL INMATES UNDER CONDITIONAL RELEASE ARE RETURNED TO IMPRISONMENT

1986-22

This working paper was prepared in May 1986 in the Research Division. The views expressed are those of the authors and are not necessarily those of the Ministry of the Solicitor General of Canada.

This working paper is available in French. Ce document de travail est disponible en français.

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ABSTRACT

This study examined the suspension and revocation process for federal inmates released on day parole, full parole or mandatory supervision. Data were collected from the files (NPB) of 629 cases suspended during a one-year period (1983-84). The types of information collected included demographic variables, criminal history, performance while on release, the nature of the violation leading to suspension, action/decisions taken, and time periods in the suspension/revocation process. Data were analyzed to elucidate the reasons for suspension, the concordance between CSC and NPB decisions, outcomes according to the nature of the violation, case factors associated with particular decision outcomes, and time delays. In addition to file reviews, interviews were conducted with 32 NPB members and 161 CSC Parole staff across Canada. These structured interviews addressed in a general way the circumstances in which cases are suspended, the situations in which various decisions are made, factors that are important in evaluating cases, relationships among key actors in the process, procedures for handling suspension cases, methods of mitigating the impact of revocation, and suggestions for improvements to the process. Questionnaires containing questions that corresponded largely to those that were asked in the interviews were mailed to 55 private agency staff who supervise conditional release programs under contract with CSC.

The report provides a comprehensive description of the suspension/revocation process, a review of the research literature on parole and parole revocation, a summary of the developments in law and regulations that have shaped the process in the past ten years, a description of the methodology for the present study, results and discussion. Conclusions drawn from the findings of the study are addressed under four headings: a) CSC documentation; b) time delay; c) criteria for suspensions and revocations; and d) criteria for re-credit of remission.

Preface

The Solicitor General's Study of Conditional Release (1981) highlighted the need for further empirical research in the area of conditional release, and made specific recommendations in this regard. In response to these recommendations, and in order to meet the information needs of the Correctional Law Review, the Ministry of the Solicitor General in November, 1983, undertook a major program of research on parole.

This program of research has been directed by a senior-level Steering Committee and guided by a Working Group. The memberships are as follows:

Steering Committee:

Mr. Fred Gibson (Chairman)
Deputy Solicitor General

Mr. William Outerbridge
Chairman
National Parole Board

Mr. Rhéal LeBlanc
Commissioner of Corrections

Mr. Christopher Nuttall
Assistant Deputy Solicitor General
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Mr. Robert Cormier (Chairman)
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Mr. Gordon Parry
Director General, Headquarters Operations
National Parole Board

Mr. Dru Allen
Chief, Community Release Programs
The Correctional Service of Canada

Working Group (Cont'd)

Ms. Joan Nuffield
Director, Strategic Policy
Secretariat

Mr. Tony Dittenhoffer
Research Officer
Secretariat

Three principal foci were defined for this research: a) the parole decision-making process; b) the assessment of release risk; and c) the suspension and revocation process. The present study addressed specifically issues concerning suspensions and revocations.

Introduction

Depending on the type of release, Ministry data sources indicate that between 18% and 40% of inmates released early to the community return to imprisonment before the end of their sentence (Ministry of the Solicitor General, 1981). Approximately half of these inmates return with a new criminal conviction. The remainder of inmates are returned for technical violations, that is, for a breach of one or more conditions listed in the inmate's certificate for release.

Beyond this, relatively little information has been systematically collected on why and how inmates are returned to penitentiaries in Canada. While legislation, policies, and administrative instructions serve to regulate the process of suspensions and revocations, they do not tell us what is happening in actual cases. Several questions arise; for example, what type of violations are most commonly the basis for suspension of an inmate's release, and for what type of offences are inmates charged by police? How much time elapses between the initial detention of an inmate and a final decision on whether he should be released again to the community or returned to a penitentiary? Are there regional differences in the way cases are handled?

It was in the interest of addressing these and

several related matters that the Steering Committee defined a broad mandate for the current study:

> "The purpose of the Parole Suspension and Revocation Study is to investigate the processes, documentation, grounds and reasons upon which suspensions and revocations are made."

It was decided to limit the study to federal inmates (i.e. offenders serving a sentence of two years or more within a federal penitentiary) released on day parole, full parole, or mandatory supervision. (See Appendix A for a brief description of conditional release programs.) From across Canada, over 600 files on inmates suspended within a one year period were randomly selected and reviewed in detail. In order to gather information directly from key decision-makers in the suspension and revocation process, structured interviews were held with all National Parole Board (NPB) members and selected Correctional Service of Canada (CSC) parole staff. Questionnaires were also mailed to a sample of staff within private agencies that have been contracted by CSC to supervise release programs. It was considered that this approach would ensure as wide a review of the suspension and revocation process as practicably possible.

The present study is not a study of recidivism. That is, no comparison was made between inmates who were

suspended and revoked, and inmates who successfully completed their sentence while under conditional release. Beginning at the time of suspension, the study describes the circumstances which gave rise to the suspension, examines successive decisions by parole officers and board members, and analyses differences between cases in which inmates were revoked and cases in which inmates were temporarily suspended but not revoked.

Part I describes the suspension and revocation process in detail and reviews changes made to the process within the last decade. A review of related research literature is presented in Part II. Part III presents the results of the file study, covering suspension outcomes, reasons for decisions, and the procedures that were followed. Included are statistical analyses of decision-making factors and an examination of the time taken between various procedural steps. Part IV describes information collected from interviews and questionnaires. The organizational structure and workload within CSC parole offices and NPB regional offices are briefly described, and reasons for decisions are further explored. Discussion of proposed changes by parole officers and board members is included. Part V concludes the study with recommendations in four areas that have particular relevance for policy development in the suspension/revocation process.

I. The Suspension and Revocation Process in Canada

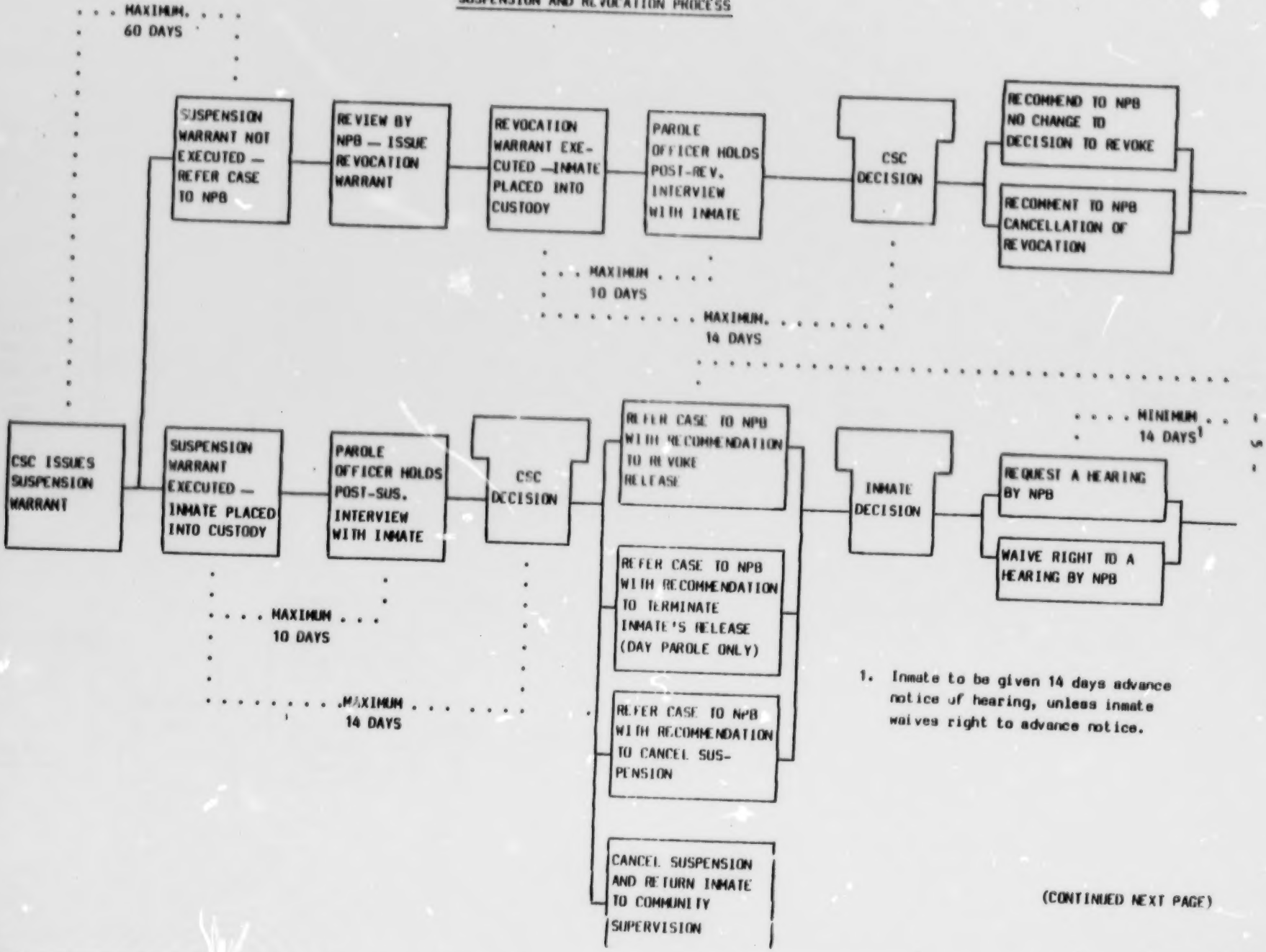
A. Description of the Process[1]

Section 16 of the Parole Act authorizes members of the NPB, the Chairman, and persons designated by him to suspend the conditional release of inmates.[2] While the NPB retains final authority and may provide instructions for the suspension of inmates in particular cases, Area Managers and senior staff of CSC parole offices normally exercise authority to issue suspension warrants. However, "suspension" does not necessarily lead to "revocation" and recommitment to a penitentiary. It is only the first step of a procedural system that, before an inmate's release can be revoked, ultimately requires the votes of at least two NPB members (Parole Regulations, Subsection 23 (4)).[3] Figure 1 provides a flow chart of the suspension and revocation process.

Reasons for Suspension. The act (Parole Act, Section 16) specifies that an inmate may be suspended: 1) where a breach of a term or condition has occurred; 2) in order to prevent a breach of a term or condition of parole; or 3) to protect society. The terms and conditions that inmates are required to follow are presented in Appendix A. The last two criteria are very broad, and the specific circumstances under which inmates should be suspended are not evident.

FIGURE 1

SUSPENSION AND REVOCATION PROCESS

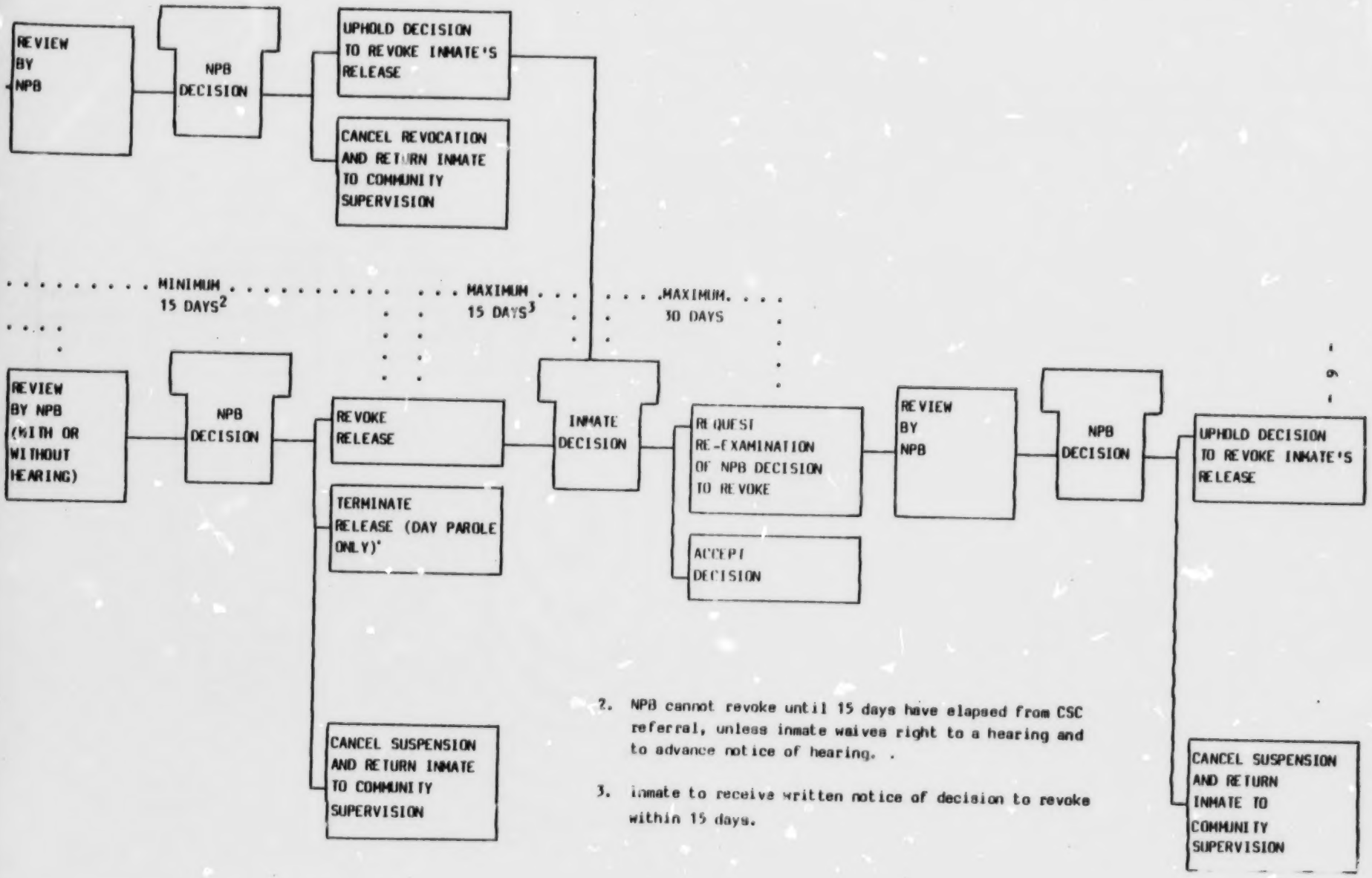

MAXIMUM. . . .
60 DAYS
CSC ISSUES SUSPENSION WARRANT
SUSPENSION WARRANT EXECUTED — INMATE PLACED INTO CUSTODY
PAROLE OFFICER HOLDS POST-SUS. INTERVIEW WITH INMATE
CSC DECISION
SUSPENSION WARRANT NOT EXECUTED — REFER CASE TO NPB
REVIEW BY NPB — ISSUE REVOCATION WARRANT
REVOCATION WARRANT EXECUTED — INMATE PLACED INTO CUSTODY
PAROLE OFFICER HOLDS POST-REV. INTERVIEW WITH INMATE
CSC DECISION
MAXIMUM . . . .
10 DAYS
MAXIMUM. . . . . .
14 DAYS
MAXIMUM . . . .
10 DAYS
MAXIMUM . . . . . .
14 DAYS
REFER CASE TO NPB WITH RECOMMENDATION TO REVOKE RELEASE
REFER CASE TO NPB WITH RECOMMENDATION TO TERMINATE INMATE'S RELEASE (DAY PAROLE ONLY)
REFER CASE TO NPB WITH RECOMMENDATION TO CANCEL SUSPENSION
CANCEL SUSPENSION AND RETURN INMATE TO COMMUNITY SUPERVISION
RECOMMEND TO NPB NO CHANGE TO DECISION TO REVOKE
RECOMMENT TO NPB CANCELLATION OF REVOCATION
INMATE DECISION
REQUEST A HEARING BY NPB
WAIVE RIGHT TO A HEARING BY NPB
MINIMUM . . . .
14 DAYS[1]

1. Inmate to be given 14 days advance notice of hearing, unless inmate waives right to advance notice.

(CONTINUED NEXT PAGE)

FIGURE 1 (CONTINUED)

SUSPENSION AND REVOCATION PROCESS


REVIEW BY NPB
NPB DECISION
UPHOLD DECISION TO REVOKE INMATE'S RELEASE
CANCEL REVOCATION AND RETURN INMATE TO COMMUNITY SUPERVISION
MINIMUM 15 DAYS[2]
MAXIMUM 15 DAYS[3]
MAXIMUM 30 DAYS
REVIEW BY NPB (WITH OR WITHOUT HEARING)
NPB DECISION
REVOKE RELEASE
TERMINATE RELEASE (DAY PAROLE ONLY)'
CANCEL SUSPENSION AND RETURN INMATE TO COMMUNITY SUPERVISION
INMATE DECISION
REQUEST RE-EXAMINATION OF NPB DECISION TO REVOKE
ACCEPT DECISION
REVIEW BY NPB
NPB DECISION
UPHOLD DECISION TO REVOKE INMATE'S RELEASE
CANCEL SUSPENSION AND RETURN INMATE TO COMMUNITY SUPERVISION

2. NPB cannot revoke until 15 days have elapsed from CSC referral, unless inmate waives right to a hearing and to advance notice of hearing. .

3. Inmate to receive written notice of decision to revoke within 15 days.

The policies of both NPB and CSC provide some direction, though it is clear that decision-makers must exercise important judgement in identifying inmates who pose a risk to the community.

Where a problem occurs during the supervision of an inmate and it appears that suspension may be warranted, the parole officer is obliged to discuss the case with someone who has authority to sign suspension warrants, normally his supervisor (CSC, 1982, p.163). There are few circumstances where suspensions are automatic and do not require careful consideration. Where the inmate has committed a minor violation such as a Criminal Code summary offence, the NPB policy manual states that suspension is not mandatory and that the matter may be handled by other means, such as through a disciplinary interview (NPB, 1983, p.109). In cases where the inmate is facing a serious charge by police, this fact alone cannot form the basis of suspension.[4] This is because of the presumption in law that a person is innocent until proven guilty. The importance of this working principle is underscored in a Commissioner's Directive on parole supervision, distributed to all parole offices (CSC, 1982).

Conversely, there are instances where CSC officers should normally suspend and must be particularly prepared to account for any decision against suspension. Where a special release condition has been violated, perhaps through

failure to abstain from alcohol, ordinarily an immediate suspension will take place. Otherwise, a report must be sent to the NPB outlining special circumstances that support a "no action" decision (CSC, 1982, p.176). Notwithstanding the caution that must be exercised in cases involving charges, where police report an incident upon which a suspension might be issued, CSC policy requires specific action (CSC, 1982, p.176). Following discussion between the parole officer and his supervisor, if the decision is made not to suspend, the matter must be discussed further with the director of the local CSC district, or his delegate. If the decision remains not to suspend the inmate, and if the police officer is in disagreement, a report must be sent to the NPB to explain the circumstances. Whatever the final decision, within 48 hours of receipt of the police information, the parole officer must notify the police of action taken and provide reasons for it.

CSC Procedures. Once the decision is made to suspend, a "Warrant of Apprehension and Suspension" is issued and the inmate is brought into custody. From the date of execution of the warrant, the parole officer has 14 days in which to conduct an inquiry (Parole Act, Subsection 16 (3)).[5] By the end of that period, the suspension must either be cancelled under the authority of the CSC officer who signed the warrant, allowing the inmate to return to the community, or

the case must be referred to the NPB along with a recommendation for final decision.[6]

The 14 day period provides the parole officer with an opportunity to investigate all the circumstances in an inmate's case. This is especially important in cases where the initial decision to suspend may have been based on incomplete information.[7] A second function is that it allows the parole officer to cancel suspension after his assessment that the inmate has received some benefit from a short period of incarceration. According to NPB policy, suspension may be used as a disciplinary action for minor violations (NPB, 1983, p.108).

Within the first 10 days of suspension, it is policy that a "post-suspension interview" be held with the inmate (CSC, 1982, p.170). This is to ensure that the inmate fully understands the reasons for suspension, and to provide him with the opportunity to explain his version of events. At that time, the parole officer advises the inmate on whether his case will likely be referred to the NPB and a form entitled, "Application for Post-Suspension Hearing" is presented to the inmate. This document lists the reasons for suspension, and it allows the inmate to indicate whether he wishes to have a hearing with the NPB before any decision to revoke his release, a right granted under the Parole Regulations (Subsection 20 (2)). Where the inmate requests a post-suspension hearing, he has a further right to 14 days

advance notice of the hearing (Parole Regulations, Subsection 20 (2)). The form enables him to waive this right and consent to an earlier hearing.

Following the post-suspension interview and the parole officer's inquiry, a "Special Report" must be completed and submitted to the NPB (CSC, 1982, p.179). This report summarizes important details of the case, including the circumstances that led to suspension, the inmate's explanation of events, persons consulted in the investigation, the inmate's activities since release, and new release plans if he should be returned to the community. Most importantly, the report contains the overall assessment by the parole officer and supervisor, supporting their decision to cancel suspension, or refer the case to the NPB with one of the following recommendations: cancel suspension, revoke release, or terminate release (applicable only in the case of day parole).

A decision by the NPB to revoke has serious consequences for the inmate. It results in his recommitment to a federal penitentiary and simultaneously removes the remission that he had earned to that point (Parole Act, Subsection 20 (2)).[8] To illustrate, if an inmate were serving a six year sentence, earned all possible remission and were not granted parole he would be released under mandatory supervision at two-thirds of his sentence, that

is, by the end of his fourth year. However, if he were released on parole after serving two years and had his parole revoked shortly thereafter, he would lose the remission standing to his credit at the time of release. Upon his return to the penitentiary, he would become re-eligible to earn new remission, but presuming that he is not granted another parole, he would not be released under mandatory supervision until the end of his fifth year. The inmate's failure on parole and subsequent revocation in this example would lead him to serve an extra year of his sentence in the institution. Of course, actual consequences to inmates will be more or less severe according to sentence length and the point at which revocation occurs. The means available toBoard members to mitigate the effects of their decision to revoke are discussed later in this report.

The Board's decision to terminate day parole has less severe consequences for the inmate. Although the inmate is returned to penitentiary, there is no loss of remission. The inmate's release date for mandatory supervision remains unchanged by the decision.

NPB Procedures. Upon referral of a suspension case from CSC for which the inmate applied for a hearing, the NPB must provide the hearing "as soon as practical" (Parole Regulations, Subsection 20 (2)). The actual date will be determined partly by the amount of time taken by the inmate

to request a hearing, and whether or not he waived his right to 14 days advance notice. In addition to the Board members who hear the case, a CSC representative must attend the hearing and be prepared to answer any questions concerning the case (CSC, 1982, p.182). Board policy also permits the attendance of an assistant to the inmate who may want to discuss the facts and advise on how to answer questions (NPB, 1983, p.61).

Where the inmate waives his right to a hearing, the Board members must base their decision on a review of the inmate's case file which contains the Special Report as well as earlier documentation. If the inmate neither applies for a hearing nor waives his right, the Board may not revoke until a period of 15 days has elapsed from CSC referral (Parole Regulations, Subsection 20 (1)).

The Parole Regulations do not provide specific criteria to guide Board Members in revocation decisions. The section of the NPB policy manual that focusses on suspension and revocation procedures refers the reader to an earlier chapter for guidance on reviews and decision-making(NPB, 1983, p.111). Factors that should generally be considered during reviews are listed, but they are geared more towards parole release than to revocation decisions. For instance, efforts made by the inmate to improve himself during imprisonment would seem to be one factor that has less relevance after the inmate has already been on release for a

period. Alternatively, factors such as progress of the inmate while in the community or evidence that the inmate committed a violation are not mentioned, though presumably these factors are normally given consideration.[9]

For cases in which Board members are considering termination of an inmate's day parole, NPB guidelines are explicit (NPB, 1983, p.149). First, if the inmate must return to custody through no fault of his own, perhaps because a treatment program ended prematurely, then termination of the inmate's day parole should be used. In such circumstances, the parole officer should not suspend the inmate, but should refer the matter to the Board directly. Secondly, where the loss of remission by a decision to revoke is unwarranted, termination should be considered. Examples are convictions for minor offences, and less serious breaches of the terms and conditions of release. In all cases of serious, overt, or repeated violations of release conditions, it is stated that revocation should be used.

It may happen that in the Board's first review of a suspension case, a decision cannot be made. Both Board members may reserve their decision, pending further investigation of a matter that was raised during the inmate's hearing or file review. In such instances, the same Board members will reconvene once the investigation is complete (NPB, 1983, p.53). The Board members' review may

also result in a split vote, and in this case, at least one additional Board member must review the case and cast the deciding vote (NPB, 1983, p.53(b)).[10]

In all cases where it is decided that revocation is the most appropriate action, Board members have ways of mitigating the effects of that decision. The Parole Act enables Board members to re-credit all or any part of the remission that stood to the inmate's credit at the time he was first released. However, NPB policy stipulates that recredit of remission is a special remedy to be used only in exceptional circumstances (NPB 1983, p.112). Examples are cases where an inmate requests revocation because of difficulties in coping in the community, or situations where an inmate involuntarily violates a release condition because his release plan is unsuitable. Other alternatives for mitigating a decision to revoke which are suggested in the regulations are setting an early review date for parole,or immediately re-releasing the inmate on another form of parole.

Following the decision to revoke, the NPB must submit written notice to the inmate within 15 days, along with reasons for the decision (Parole Regulations, Subsection 21). Provided that the inmate makes his request within 30 days, the inmate has a right to have his case re-examined by Board members that were not involved in the decision (Parole Regulations, Subsection 22 (2)). Inmates are not required

to meet any special criteria for re-examination, though the NPB application form does suggest that the inmate have certain grounds for review - for example, new information that has become available since the decision to revoke. Upon re-examination, Board members may affirm or overturn the first decision to revoke, substitute termination in the case of day parole, or set an early review date (NPB, 1983, p.73). Before reaching a final decision, Board members may require a second hearing with the inmate.

Outstanding Warrants. The above description of the suspension and revocation process assumed that the suspension warrant was executed and that the inmate was returned to custody. In instances where the inmate's whereabouts are unknown and the suspension warrant remains outstanding, a slightly different set of procedures are followed (see Figure 1). Sixty days from the date on which the suspension warrant was issued, or three weeks prior to the inmate's warrant expiry date (i.e., date upon which the inmate's sentence is complete), whichever arrives first, the parole officer must refer the case to the NPB for decision (CSC, 1982, p.184). Following the NPB review, normally a decision is made to revoke, and a "Warrant of Apprehension and Recommitment on Revocation" is issued and remains outstanding until the inmate is brought into custody. When

the warrant is executed, the parole officer must conduct a "post-revocation interview" with the inmate within 10 days, and refer the case to the Board by the fourteenth day, documenting all relevant information in a Special Report. In special circumstances - for example, the inmate had been hospitalized and was unable to make contact with the parole officer - cancellation of revocation may be recommended by the parole officer (NPB, 1983, p.112). Upon the Board's review, the decision will either be to cancel revocation and permit the inmate to resume his conditional release program, or to affirm its earlier decision to revoke.[11] The inmate is equally entitled to request re-examination of a negative decision (NPB, 1983, p.73).

B. Recent Developments

Just ten years ago, the rules which governed the return of inmates under conditional release to a penitentiary were markedly different from those just described. A series of amendments to legislation and policy have occurred, following a number of recommendations that have arisen from investigations into Canada's parole system (Goldenberg, 1974; Hugessen, 1972; Ouimet, 1969). Most recommendations were based on what had been perceived as inadequate procedural protection for the inmate. In view of increased litigation in the courtroom and also more recent

investigation into the parole process (Ministry of the Solicitor General, 1981), it appears that the process of suspensions and revocations is continuing to evolve.

Many important changes in the suspension and revocation process were the result of the Criminal Law Amendment Act in 1977 and amendments to the Parole Regulations in 1978. Before that time, there was no requirement to provide the inmate with reasons for suspension, to conduct a hearing before revocation, nor to re-examine decisions upon request. There were no provisions to re-credit remission in special circumstances. In all cases where inmates were convicted of an indictable offence punishable by imprisonment of two years or more, parole was automatically forfeited. That is, the inmate had no opportunity to present his case and rely on the discretion of Board members.

Perhaps the most significant change related to the consequences of revocation. Previously, the amount of time that inmates had spent under conditional release before being revoked was not counted as time served. This is illustrated by the facts in a case before the Supreme Court of Canada, Mitchell V. The Queen.[12] Sentenced to a term of imprisonment of three years and two months, Mitchell was released on parole shortly after serving one year. After being on parole for approximately two years, just seven days before his sentence would have been completed, he was

suspended. A subsequent revocation by the NPB resulted in a recommitment to prison for two years, a period equal to the time he had already spent on parole. The Supreme Court upheld the Board's decision. Had Mitchell been suspended and revoked within present day regulations, he would have been released only a few days afterward.

It is clear that the changes that were made in legislation (Criminal Law Amendment Act, 1977) and regulations (Parole Regulations, 1978) did not result from judicial decisions. In the case Ex p. McCaud,[13] the applicant contended that revocation of his parole without statement of reasons and without opportunity to be present at a hearing contravened the section of the Canadian Bill of Rights which guaranteed the right to a fair hearing. The Supreme Court of Canada held that the inmate was under sentence and that whether his sentence was served on parole or in a penitentiary was an administrative matter within the discretion of the Parole Board. Because the determinations of the Parole Board were considered neither judicial nor quasi-judicial, provision for a fair hearing did not apply. Similar reasoning was expressed in later judgements contained in Howarth V. National Parole Board[14] and Mitchell v. The Queen.[15]

The Canadian Charter of Rights and Freedoms has recently led the courts to take a new view of the suspension and revocation process and has become a strong impetus for

change. The Supreme Courts of Ontario and British Columbia have held that parole proceedings are reviewable in light of Section seven:

> "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice" (Constitution Act).

In Caddedu V. The Queen,[16] it was considered that this section protects the most important of all rights of the individual and that it should apply to inmates on parole, regardless of their "qualified" liberty. From this important premise, suspension and revocation proceedings have been examined in several cases and determinations have been made on whether "principles of fundamental justice" have been met. Revocations have been quashed or new parole board hearings have been ordered because the courts have found in different cases that the inmate should have been provided with better procedural protection. It has been ruled that all inmates have the right to a hearing, including inmates under the jurisdiction of a provincial board,[17] and inmates who were revoked while their whereabouts are unknown.[18] Inmates are entitled to be present for their entire hearing, to hear all the facts against them, and to be able to respond to them.[19] In the event that two Board members vote differently on a case, the inmate has the right to be heard by Board members who have been called upon to cast additional votes.[20] The inmate has

the right not to be suspended more than once for the same event when a decision has been made to cancel the original suspension.[21]

Many of these court decisions were too recent to have had direct impact on suspension and revocation proceedings during the period under study;[22] however, awareness of these decisions and knowledge that the courts are willing to intervene in suspensions and revocations may have influenced the behaviour of decision-makers.

The parole officer's general responsibility to control the activities of the inmate, combined with his authority to suspend in order to prevent a breach or to protect society, means that the parole officer has the discretion to suspend in a wide variety of circumstances. In the case where a parole officer is supervising an inmate with a long history of criminal violence, and he learns that the inmate is having frequent, heated arguments with his wife, the officer might seriously consider suspension because he fears that the inmate may commit further violence. On the other hand, while the courts have been careful not to rule on the actual facts of cases,[23] the analogy of "criminal proceedings" has been used in reviewing revocation proceedings, and the courts have laid emphasis on the opportunity that inmates must have to dispute the facts against them.[24] This implies that inmates are suspended only for having committed discrete, identifiable infractions. If the parole officer pictures himself in an adversary-like setting where he is

challenged for suspending the inmate simply for having poor marital relations, he may be reluctant to issue a warrant. While actual circumstances are always more complex than in this example, parole officers' criteria for suspensions and revocations may be becoming more restrictive.

In addition to what has been observed in recent judicial decisions, there is another important collection of views toward the suspension and revocation process which suggests that further change may occur. In the Solicitor General's Study of Conditional Release (1981), the parole process was considered in detail by senior representatives from the Ministry Secretariat, the CSC, and the NPB. After considering the opinions of diverse groups, including lawyers' associations, inmate committees, and parole officers, a series of proposals were made pertaining to the suspension and revocation process. It was recommended that more information be shared with the inmate, such that he be given a full written account of reasons for suspension, that he be informed of his next eligibility date for mandatory supervision upon revocation, and that he be advised, where appropriate, that consenting to revocation can avoid proceedings.[25] It was also suggested that the inmate be strongly encouraged to exercise his right to a hearing and that delays in the process be reduced.

The study group also focussed on reasons for suspension. While it was agreed that a short period of detention through suspension was sometimes desirable in

order to prevent the inmate from committing further crime, it was argued that actual revocation should never be used for reasons of prevention. The group also found evidence of an increase in the use of revocations in non-criminal circumstances. However, it was acknowledged that suspension and revocation proceedings may sometimes mask an offence for which a charge was never laid, and no particular recommendation was made. It was concluded that further research is needed.

Finally, a recommendation was made that would mitigate the consequences of revocation. It was suggested that criteria for re-crediting remission should be relaxed in order to allow for the principle of "just deserts". It was considered that the penalty of revocation would be more equitable if, instead of being determined by the length of the inmate's sentence and amount of time served, it was adjusted to suit the seriousness of the behaviour that led to suspension. The study group did not elaborate further on how re-credit of remission might be applied.

In summary, the process of suspensions and revocations has undergone significant change within the last several years, incorporating a series of procedural safeguards for the inmate. Most recently, the impetus for change has emanated from the courtroom, as the Charter of Rights has led to a new legal perspective on the rights of inmates. As seen in the Solicitor General's Study of Conditional Release (1981), calls for reform have also arisen from other participants in the correctional system.

II. Literature Review

Few research studies have focussed exclusively on the process of suspensions and revocations. The present study was designed to address specific questions related to the decision to suspend, and to examine the bases for successive decisions by parole officers and members of the Parole Board. While this particular approach has not been taken in other studies, the results of other revocation and parole decision-making studies are pertinent to the present study.

Parole Selection Research. A large body of research has been devoted to the parole selection process.[26] Many studies have focussed on the decisions of parole boards to grant or deny early release to inmates with a view to making explicit the factors which determine decisions. In Canada, several studies have revealed a number of factors that relate to board decision-making: whether the inmate has had earlier convictions (Léveillé, 1970; Nuffield, 1982); whether the inmate has previously been committed to an institution (Waller, 1974); the nature of the offence for which the inmate is serving sentence (Demers, 1978; Waller, 1974); previous escapes from an institution (Nuffield, 1982); previous breaches of parole (Léveillé, 1970; Nuffield, 1982); availability of employment upon release

(Léveillé, 1970); level of education (Demers, 1978); and, the recommendation of penitentiary staff regarding release (Demers, 1978; MacNaughton-Smith, 1976; Léveillé, 1970). Inmates serving longer sentences are more likely to be released (Demers, 1978; Waller, 1974), as well as inmates who had committed serious offences (Waller, 1974).[27] Younger inmates are also more likely to be released than older inmates (Demers, 1978; Nuffield, 1982).

In England, a major study of parole decisions (Nuttall et al., 1975) revealed that the decision-making criteria used in the first review of an inmate's case differed from those used in subsequent reviews. During first reviews, the number of previous convictions, intended living arrangements, and sentence length were considered important. (Inmates with longer sentences were less likely to receive parole.) Where inmates were initially rejected for parole and were considered again at some later time, intended living arrangements, marital status, and prison conduct became most important.

It is common for different studies to produce different sets of factors as being the most relevant to board decisions. This can be expected, given that researchers have focussed on the decisions of various boards at different times, often employing different methodologies. Moreover, it is clear that parole board decisions are complex. Board members are routinely confronted with a

myriad of factors in individual cases that must be placed within the context of several objectives for conditional release programs.[28] Accordingly, within any single study the overall contribution of a set of factors to decision-making is normally found to be small. Knowledge of where an inmate is situated in reference to particular factors will only marginally increase one's ability to predict whether the parole board will grant him early release. Nevertheless, certain factors have been found to correspond significantly with decisions, and common conceptual threads among factors have been identified. Based on extensive research in the United States, Gottfredson et al. (1973) concluded that the most important considerations pertained to the risk that inmates would reoffend upon release, and also to the seriousness of the crimes for which they were imprisoned. Nuffield (1982) concluded that, consistent with the Parole Act and National Parole Board policy, board members are most concerned with "risk" of reoffending and that parole decisions reflected primarily this concern. However, Nuffield noted that while consideration of risk may predominate in board decision-making, similar cases may not have the same outcomes because risk may be assessed differently by individual board members, and risk may be incorporated differently with other factors in a case.

The results of these studies have important implications for the study of decision-making in suspensions

and revocations. First, it is evident that a wide range of factors may influence decisions, and that as individual parole officers and board members examine different cases, it is unlikely that any particular factors would emerge that would broadly and consistently explain decisions to revoke or cancel suspensions. Secondly, if risk of reoffending is a major concern of the NPB at the point of release, it can be expected that risk continues to be important while the inmate is under community supervision. This is consistent with the Parole Act which authorizes suspension in order "to prevent a breach of a term or condition of parole", or "to protect society".

An essential difference between the parole decision-making process and the suspension and revocation process is that in the latter case the inmate has already spent a period of time on release. As noted earlier, approximately one-half of revoked inmates are convicted of a new offence (Ministry of the Solicitor General, 1981). In the case of serious crimes it is unlikely that various factors would be considered in order to make an assessment of risk. For inmates who are returned for technical violations, it is more likely that judgements of risk are central to decision-making. In these circumstances, new information which was not available at parole selection may contribute to the assessmesnt of risk at the time of suspension and revocation. It is evident from the

revocation literature reviewed below that in addition to factors related to criminal history, parole officers and board members may also consider the inmate's performance in the community and determine what progress has been made in various areas. For example, notwithstanding a technical violation of parole, an inmate may be considered a low risk to reoffend because he has been able to maintain steady employment.

Another important difference between the parole selection process and the suspension/revocation process may be found in the environment for decisions. Where board members may exercise wide discretion in formulating their decision to grant or deny early release to inmates, it was noted in the previous section that outside pressures may influence decisions to suspend and revoke inmates. Although a long history of violence may be considered sufficient to deny parole to an inmate, it may not be enough to revoke his release on mandatory supervision. This notion is supported by a recent decision of the Supreme Court of Canada on the practice of "gating", which upheld the decision of a lower court that revocation "can only be invoked by the National Parole Board by reason of the post-release conduct of the inmate while at large".[29]

Parole Revocation Research. Many of the parole selection studies cited above also examined parole outcomes to

identify factors associated with the success or failure of inmates on conditional release (Demers, 1978; MacNaughton-Smith, 1976; Nuffield, 1982; Nuttall et al., 1975; Waller, 1974). However, few Canadian studies have investigated the revocation process.[30] Following is a review of the studies that have been done both in Canada and in other jurisdictions.[31]

In the United States, Neithercutt (1971) conjectured that revocations for technical violations are usually for the prevention of further crime, and that parole officers would be more inclined to revoke for technical reasons inmates who are serving sentences for dangerous offences. He found support for his hypothesis in a study of National Parole Reports, suggesting that risk was a particular concern when the inmate had committed violence in the past.

The decision-making process by members of the Pennsylvania Parole Board was the subject of research done by Carroll and Ruback (1981). Focussing on convicted parolees only -- separate procedures exist for technical violators and for inmates facing charges -- the researchers examined the influence of objective and subjective factors on decisions to 1) revoke or re-release inmates; and 2) set back-time, which is equivalent to re-crediting remission in Canada. Objective factors were taken from the inmate's file, and subjective factors were individually rated by board members in each case.

Seventy-eight percent of parolees were recommitted to

prison. It was found that both the revocation decision and the back-time decision were similar to judicial decisions as they relied mostly on the seriousness of the crime, and that other factors were less important. The fact that decision-making models were found to have low predictive power, only marginally improved by the addition of subjective factors, led the authors to conclude that there is variation in the decision-making criteria employed by the various board members. It was proposed that clear guidelines be developed for both types of decisions.

It might be expected that the offence would be a major focal point in a system that is specifically designed to deal with parolees who have been found guilty of further crime. This is consistent with the reasoning presented earlier in this report, that risk is a less critical consideration when offences are of a serious nature. There probably are many instances in which both parole officers and board members are responding mainly to one particular event, constituting either a breach of the law or an important condition of release.

Nuttall et al. (1975) studied the cases of all parolees who had come to "adverse notice" in England and Wales between 1968 and 1970. Although there are important differences between Canadian and British procedures for revocation, their findings support the notion that risk is a central element in decision-making.[32] Of all revoked inmates, 48% were returned for new convictions, 47% for

technical violations, and 4% for the prevention of further crime. Two-thirds of the new convictions were for property crimes, and two-thirds of inmates recalled for technical violations were for being out of touch with their parole officers. Greater certainty of recall for being out of touch than for a conviction was taken as an indication of how seriously the Board viewed this type of behaviour.

An interesting pattern was discovered in comparing cases with a conviction with cases that returned with a technical violation. Inmates who were returned on the basis of a conviction generally ranked higher in social stability (measured by marital status, living arrangements, and employment status), had fewer past convictions, and had been on release for a longer period of time. It was conjectured that parole officers were less inclined to report technical violations where the inmate was otherwise positively situated. In other words, until an offence had actually been committed, the inmate was considered to be a "low risk". Once a crime was committed, the fact took precedence over all other considerations. In the case of technical violators, it seems that a more complex assessment took place, including consideration of several factors that might be related to risk.

In Canada, Waller (1974) conducted an extensive study of the parole experience of a sample of inmates released from Ontario penitentiaries. Forty-four percent of inmates

in his sample were re-arrested within two years of release. Forty-five percent of those re-arrested had their parole forfeited, 20% were revoked, 5% were suspended but not revoked, and the remainder were arrested without any further consequences to their parole. Waller noted that police questioning took place in all suspension and revocation cases, and that most inmates were eventually charged by police.

The high incidence of police involvement led Waller (p. 204) to conclude that the suspension powers of parole officers were unnecessary because society would have been sufficiently protected by provisions in the Criminal Code. However, the removal of forfeiture (i.e. automatic revocation upon conviction for an indictable offence) since Waller's study has made the discretion of parole officers even more integral to the suspension and revocation process. Moreover, Waller concluded elsewhere in his study (p. 137) that broader use of revocation could have prevented some inmates from committing further crimes. Anti-social and criminal behaviour was often documented early in the files of inmates who were eventually re-arrested, suggesting that crime can be prevented by the discretion which enables parole officers to suspend inmates who exhibit signs of being a risk to society.

It is clear from Waller's study that the majority of inmates were returned to a penitentiary because of further

criminal involvement. However, another Canadian study which directly focused on the decision-making of parole officers found that police was involved in only one-third of cases (Nicolas, 1976).[33] While Nicolas (1976) based his study on a small sample of suspension cases (47) within Quebec, through interviews and the administration of questionnaires to parole officers and inmates he was able to explore circumstances for suspension in considerable detail. He found that 26% of suspensions were for clear criminal involvement, and that technical violations and general behavioral problems accounted for the remainder. While particular incidences were at the base of most decisions to suspend, Nicolas found that they were incorporated into an overall clinical assessment of the inmate. Discussion with police, number of previous offences, previous failure on parole, and estimated likelihood of future crime contributed to this assessment -- marital status and employment did not appear to be important. Because assessment criteria appeared to vary among parole officers and lead to different decisions on the way cases should be handled, Nicolas recommended that guidelines for suspension and revocation be established.

It is evident from the findings of these studies that risk is a major concern underlying decisions to suspend and revoke the conditional release of inmates, though evidence of a serious violation is likely to overshadow consideration

of general risk factors. Similar to the findings of studies of the parole selection process, studies on revocation have shown that risk can be defined in different ways. Several factors which have been shown to be associated with risk include the inmate's original offence, the type of current violation, past offences, previous failure on release, marital status, and employment.

There are clear structural and environmental features of the current Canadian system for suspensions and revocations which distinguish it from other jurisdictions that have been studied and also from the Canadian system in the past. Given the removal of forfeiture and other developments in the suspension/revocation process in recent years, the present study examined a system quite different from the one studied by Waller (1974) and Nicolas (1976).

III. Research: File Information

A. Method

In designing the research it was decided that a review of inmate files from across Canada would provide the broadest range of information with respect to the processing of cases and the reasons for suspensions and revocations. A preliminary examination of several files indicated that NPB regional files contained a variety of information regarding circumstances for suspension, the criminal history of the inmate, institutional experience, etc. However, it also was recognized that there are limitations to what can be learned from files. First, file documentation is mostly prepared by CSC and NPB staff, and information from other sources, including inmates, is not directly available from files. Second, some types of information are difficult to quantify and summarize in a report (this will be discussed further in Part V). Third, official records do not necessarily reflect all of the important factors in a case; for example, information gained from a hearing might be critical to the final decision in a case.

It was decided that interviews with key decision-makers and the administration of questionnaires would provide a useful supplement to the file reviews and allow further investigation into certain matters. The results of this second level of analysis are presented in Part IV.

Sample Selection. In addition to its headquarters in Ottawa, the National Parole Board has offices in five regions across Canada: Atlantic, Quebec, Ontario, Prairies, and Pacific. The Correctional Service of Canada is similarly organized into regions, and staff within each parole office and Community Correctional Centre (CCC) are required to keep the regional parole board office informed of all important matters concerning inmates under their supervision. Each regional NPB office maintains files on all inmates within its jurisdiction, containing documentation that originates primarily from CSC and NPB.

A sample of inmate files was selected from NPB on the basis of suspension warrants that had been issued within the year March 1, 1983 to February 29, 1984. The first task was to compile "warrant control logs" normally kept by each CSC parole office and CCC, listing the names of all inmates for whom a "Warrant of Apprehension and Suspension" had been issued.[34] The logs were scrutinized and names were deleted for one of three reasons. In the Atlantic and Prairie regions - where provincial parole boards do not exist - the names of provincial inmates were removed because the focus for this study was the suspension and revocation of federal inmates. Second, suspension warrants that were withdrawn because they had been issued out of administrative error were deleted. Third, duplicate names were deleted where replacement warrants had been issued. It was found that a substantial number of warrants that were originally

issued in one district had to be reissued in another district where the inmate had actually been apprehended by police.

Following deletions the total number of suspension warrants for the year under study was 4,321. In order to ensure proportionate representation, 15% of the suspension cases from each region were randomly selected. The total sample consisted of 629 suspension cases.

Collection of Data. A data collection form was devised that covered an array of information from each case. Types of information included the violation leading to suspension, performance on release, criminal history, and various dates relating to the inmate's sentence and to procedural steps in the suspension process. While inmates may have had more than one suspension in the year under study, the suspension which corresponded with the one in the sample list was selected for study. Most information was drawn from documents that directly related to the suspension under study.

In particular, it was recognized that most information relating to decisions would be found in the narrative sections of the CSC Special Reports and the NPB Comment Sheets.[35] Considerable effort was spent in training research assistants to code files, ensuring agreement on the definition of items in the data collection form and on the method for analyzing file contents. However, a reliability

test revealed limits on the range of information that could reliably be coded. When a sample of files was reviewed a second time by different file coders, it was found that a number of important items of information obtained less than 80% agreement, and these items were therefore excluded from the data analysis. Most of those variables related to the inmate's performance while on release. For example, file coders could not adequately determine whether the overall performance of inmates while on release should be understood as satisfactory, unsatisfactory, or neutral. The results of this reliability test are discussed further in Part V below.

B. Results

Documentation. Overall, there was substantial regularity in the kinds of documents contained in the sample of NPB files. Beginning with an "Inmate Admission Form", various documents from CSC were chronologically placed in each file, including information on criminal history, needs of the inmate, and progress in the penitentiary. Documents relating to earlier release decisions by NPB were also kept on file, the most recent of which were normally found near the front of the file. If the inmate continued on release for a sufficient period of time, a "Quarterly Supervision Report" or "Progress Summary" could be found, detailing the

inmate's progress while under community supervision. Depending on the length of the inmate's sentence and prior committals to a penitentiary, files were sometimes very lengthy, and 25% of cases in the sample had more than one file volume.

In situations where a particular problem occurs during the supervision of an inmate, a "Special Report" is to be completed by the parole officer and forwarded to the NPB office in order to alert board members. Sixteen percent of cases contained a Special Report within the current term of release that was not associated with an immediate suspension. In all cases where the decision was made to suspend, a Special Report was sent to inform the board that a warrant had been issued and to briefly explain the circumstances. Most cases (73%) also contained a second special report, outlining important details in the case and reasons for the decision of the parole officer and his supervisor to either cancel suspension or refer the case to the board with a particular recommendation. (Part I describes the normal contents of reports and the decisions available to parole staff.) Copies of warrants were also on file, and usually a copy of the "Notification of Reason for Suspension" that was to be given to the inmate could be found (64%) as well as the inmate's "Application for Post-suspension Hearing" (79%).

Of cases referred to the NPB for decision (521), all

cases contained a "Decision Sheet" which indicates the final decision of voting board members.[36] The large majority of cases also included a "Comment Sheet" (95%) which contained one or two sections. A short paragraph entitled "Reasons" was written if the board's decision was to revoke, and it was quoted verbatim in a letter that was sent to the inmate. The second section, entitled "Comments", presented other points that board members considered relevant to the case. In 35% of cases, NPB staff had prepared in advance a sheet which summarized the file information and was intended to aid board members in reviewing the case for decision.

Telex messages between CSC and NPB were frequently on file, and also copies of notices to inmates with respect to scheduled dates for hearings and notice of decisions. Less frequently, "Community Assessments" (7%), "Confidential Information Reports" (9%), and reports from police (26%) were on file. Community Assessments were typically completed by parole officers when an issue, such as securing employment or a place of residence, required investigation in the community. When parole officers receive confidential information that cannot be shared with the inmate, a special reporting form must be used.[37] Half of the submissions from police were incident reports which described evidence of criminal involvement by the inmate, and the remaining consisted of a brief statement of charges being laid against the inmate. Finally, in a few cases in which the inmate

requested re-examination, a series of related documents was also found.

Description of the Sample. Tables and Figure 3 in Appendix B summarize a variety of information collected on inmates in the sample. This is intended to describe the suspension cases that were reviewed, and no attempt is made to compare the characteristics of these inmates with other inmates (e.g., a sample of inmates who were not suspended).

The average inmate in the sample was a single male, 29 years of age, and had less than grade 11 education. The average sentence being served was four and one-half years, and 60% of inmates had committed a crime in the past, and had served a sentence in a provincial or federal institution at least once before their current term of imprisionment. One half of inmates had been released under mandatory supervision, 35% under day parole, and 16% under full parole. The average length of time served on release before suspension was six months.[39] Consistent with the short duration of day parole programs, the majority of day parolees were suspended before the end of the fourth month.

Reasons for Suspensions. On the arresting warrant, parole officers normally listed more than one statutory reason for suspension. In 60% of cases, "breach of a term or condition

of [release]", was indicated as a reason, and the remaining 40% of suspensions were to "prevent a breach" and/or to "protect society". Despite the number of warrants that contained reference to these latter criteria, clear violations were usually identified in the Special Reports. Fifty percent of cases contained either a police charge or new conviction, 46% contained a technical violation of release conditions, and 4% of cases involved other reasons.[40]

As indicated in Tables 1 to 4, the types of violations that were reported as reason for suspension were: 1) conviction for a new offence; 2) police charge for a new offence; 3) illegal activity without a police charge;[41] 4) breach of a special release condition; 5) breach of a CCC or CRC regulation; and 6) breach of a standard release condition. On average, inmates were reported to have committed two violations.

Table 1 shows that the total number of convictions for all the cases was 28, of which 4 were for violent offences, while the total number of charges was 290, of which 95 were for violent offences. This suggests that few suspensions were delayed until the outcome of police charges were known, and that when suspension was delayed, the case was more likely to involve a non violent offence. Among the 290 cases that contained a police charge, a variety of

TABLE 1

REASONS FOR SUSPENSION

Cases with a Conviction, Charge, or Illegal Activity Without a Police Charge[a]

Offence Type	Cases with a Conviction	Cases with a Police Charge	Cases with Illegal Activity without a Police Charge
Violent Offences:			
Homicide	-	4 (1.3)	2 (2.2)
Attempted Murder	-	1 (0.3)	-
Sexual Assault	-	12 (4.1)	2 (2.2)
Assault	4 (14.2)	35 (12.0)	10 (11.2)
Robbery	-	43 (14.8)	1 (1.1)
Total Violent Offences	4 (14.2)	95 (32.7)	15 (16.8)
Non-Violent Offences:			
Break and Enter	8 (28.5)	54 (18.6)	6 (6.7)
Possession of Stolen Goods	-	23 (7.9)	6 (6.7)
Theft Over $200	2 (7.1)	22 (7.5)	5 (5.6)
Theft Under $200	3 (10.7)	15 (5.1)	5 (5.6)
Drug Offences	1 (3.5)	16 (5.5)	11 (12.3)
Vehicle Theft	2 (7.1)	7 (2.4)	4 (4.4)
Possession of Offensive Weapons	1 (3.5)	8 (2.7)	4 (4.4)
Fraud	-	8 (2.7)	8 (8.9)
Other Criminal Code Offences	2 (7.1)	10 (3.4)	6 (6.7)
Provincial/Traffic Offences	5 (17.8)	32 (11.0)	19 (21.3)
Total Non-Violent Offences	24 (85.7)	195 (67.2)	74 (83.1)
TOTAL CASES	**28 (100%)**	**290 (100%)**	**89 (100%)**

[a]. Because inmates were normally suspended for more than one violation, individual cases may contribute to more than one column, and to the other types of violations listed in Tables 2 to 4. Within the present table, cases within columns were counted once, and if more than one violation occurred within a category, the most serious violation was listed (severity was defined according to the Uniform Crime Reporting Scale).

offences was reported. Most frequent were break and enter (19%), robbery (15%), assault (12%), and provincial offences (11%). One-third of these offences included violence. Of the 89 cases of illegal activity without a police charge, fewer cases involved violence (17%). Provincial offences (21%), drug offences (12%), and assault (11%) were the most frequent offences reported in these 89 cases.

As noted earlier, violation of a special release condition is considered a serious matter, and parole officers are normally obliged to suspend. Table 2 shows the number of breaches of special release conditions by type of breach. "Abstain from alcohol or drugs" was the special release condition that was most often related to suspension.

Table 3, breaches of CCC/CRC regulations by type of breach, shows that violation of curfew accounted for 50% of all breaches of CCC and CRC regulations, and that failure to abstain from alcohol and drugs was again an important factor.

Table 4 shows the number of breaches of standard release conditions by the type of breach. "Whereabouts unknown", "failure to report", and "leaving the area without permission" together accounted for 80% of the violations of standard release conditions.[42] These findings suggest that parole officers place great emphasis on inmates keeping in touch and remaining within their designated area.

Table 5 presents the most serious violation in each case by release type (i.e. mandatory supervision, full

TABLE 2

REASONS FOR SUSPENSION

Breaches of Special Release Conditions

Failure to abstain from alcohol or drugs	110	(83%)
Failure to avoid particular persons	4	(3%)
Failure to avoid particular places	4	(3%)
Failure to undergo urinalysis checks	6	(7%)
Breaches of other special release conditions	9	(4%)
TOTAL BREACHES	133	(100%)

TABLE 3

REASONS FOR SUSPENSION

Breaches of CCC/CRC Regulations

Late for curfew	79	(50%)
Failure to abstain from alcohol or drugs	30	(19%)
Failure to follow a special instruction	14	(9%)
Unauthorized leave from residence	4	(2%)
Failure to follow other regulations	31	(20%)
TOTAL BREACHES	158	(100%)

[1] 219 inmates in the sample were on day parole.

TABLE 4

REASONS FOR SUSPENSION

Breaches of Standard Release Conditions

Whereabouts unknown	147	(51%)
Failure to report[a]	35	(12%)
Leaving area without permission	50	(17%)
Failure to endeavour to maintain employment	16	(6%)
Failure to obtain permission to:		
a) purchase a motor vehicle	4	(1%)
b) incur debts	4	(1%)
c) assume additional responsibilities, such as marrying	0	
d) own or carry weapons	2	(1%)
Failure to communicate contact with the police	11	(4%)
Other breaches:		
Violation of a special instruction from Parole Officer	10	(3%)
Failure to keep Parole Officer informed of address	5	(2%)
Failure to follow counselling/treatment program	3	(1%)
TOTAL BREACHES	**287**	**(100%)**

[a]. Excludes cases of whereabouts unknown.

parole and day parole).[43] The figures in the "total" column indicate that "charge or conviction" (50%) and "whereabouts unknown" (17%) together accounted for two-thirds of all the suspensions in the sample. The distribution of violations across categories for mandatory supervision and full parole were quite similar. Contrary to what was suggested in the Solicitor General's Study of Conditional Release (1981), inmates under mandatory supervision do not appear more likely to be suspended for non-criminal reasons, although comparisons with full parole and mandatory supervision cases who where not suspended would be required in order to address adequately the issue of "differential treatment".

Day parolees presented a different picture in respect to violations. Compared to mandatory supervision and full parole cases they were more likely to be returned for whereabouts unknown (25%), violation of special release conditions (13%), and of course, violation of CCC or CRC regulations (23%).[44] This may be due to the higher surveillance within day parole programs, such that all types of misbehaviour are more visible to parole staff.

In summary, it is clear that the majority of decisions to suspend were supported by reports of particular violations. In view of the number of cases that involved charges or whereabouts unknown, it is also evident that many violations were considered serious and constituted the primary reason for suspension. At the same time, some inmates were suspended for violations and other forms of

TABLE 5

MOST SERIOUS VIOLATION ACCORDING TO TYPE OF RELEASE

Most Serious Violation	Type of Release			
	Mandatory Super-vision	Full Parole	Day Parole	Total
Other	7[a]	5	12	24
	(2.27)[b]	(4.80)	(5.48)	(3.81)
Standard Release Condition	13	9	6	28
	(4.25)	(8.65)	(2.74)	(4.45)
CCC/CRC Regulations	1	2	50	53
	(0.33)	(1.92)	(22.83)	(8.43)
Special Release Conditions	17	6	28	51
	(5.56)	(5.77)	(12.79)	(8.11)
Whereabouts Unknown	38	11	55	104
	(14.42)	(10.58)	(25.11)	(16.53)
Illegal Activity Without a Police Charge	31	10	14	55
	(10.13)	(9.62)	(6.39)	(8.74)
Charge or Conviction	199	61	54	314
	(65.03)	(58.65)	(24.66)	(49.92)
TOTAL	306 (48.65)	104 (16.53)	219 (34.82)	629 (100%)

a. Indicates number of cases.
b. Indicates column percentage.

misbehaviour that may not have been the only reason for suspension. It is here, perhaps, that general factors relating to risk contributed most to decisions. An analysis of how specific violations and general risk factors influenced the final outcome of suspension proceedings is presented later in this paper. The following section examines CSC and NPB decisions that followed the initial decision to issue a suspension warrant.

Outcome of Suspensions. The final decisions of both CSC parole officers and NPB members in each suspension case are presented in Table 6. It is clear from the variety of outcomes that once a suspension warrant is issued, parole officers and board members exercise significant discretion in choosing among different courses of action. Twelve suspension warrants (2%) were withdrawn by CSC before the inmate was ever brought into custody.[45] Fifteen percent of inmates had their suspensions cancelled within the first 14 day period in which senior CSC parole staff have authority to cancel. Most of the remaining cases were referred to the NPB along with a recommendation for decision.[46] The NPB cancelled a further 21% of the suspensions, with the result that a total of 36% of all suspension cases ended in cancellation. The NPB also revoked the release of 52% of inmates in the sample, and terminated the release of 10% of inmates (28% of the sample of day parolees).

TABLE 6

OUTCOME OF SUSPENSIONS: CSC AND NPB DECISIONS

CSC Decision	NPB Decision				
	Cancel Suspension	Revoke Release	Terminate Release[a]	Not Applicable/Not Complete[b]	Total
Withdraw Suspension Warrant				12	12 (1.91)
Cancel on CSC Authority				95	95 (15.10)
Refer to NPB with Recommendation to Cancel Suspension	90*	11**			101 (16.06)
Refer to NPB with Recommendation to Revoke Release	32**	301*	7**	2	342 (54.37)
Refer to NPB with Recommendation to Terminate Release[a]	9**	4**	55*		68 (10.81)
Refer to NPB with Recommendation to Reverve		6		1	7 (1.11)
Other	1	2		1	4 (0.64)
TOTAL	**132 (20.98)**	**324 (51.51)**	**62 (9.86)**	**111 (17.65)**	**629 (100%)**

a. Applicable to day parolees only.
b. Three cases were incomplete at the time of study.
* Indicates concordance between CSC and NPB decisions.
** Indicates non-concordance between CSC and NPB decisions.

For those cases referred to the NPB, Table 6 also indicates the number of cases in which there was concordance between recommendations from CSC and the final decisions that were made by the NPB. Excluding cases in which CSC requested a reserve decision, board members agreed with the parole officer's recommendation in 88% of cases. There was some regional variability in concordance rates: the Quebec, Ontario and Prairie regions hovered at the national average, the Atlantic region had a high of 99% concordance, and the Pacific region had a low of 78% concordance. In those cases in which there was non-concordance, it appears that there is no clear pattern of disagreement between CSC and NPB in terms of greater harshness or leniency in decisions.

It is difficult to know what an ideal rate of concordance should be between parole officers' recommendations and board members' decisions. Researchers in the area of parole selection who have also found high concordance (e.g. Demers, 1978; Léveillé, 1970; MacNaughton-Smith, 1976) have generally interpreted this finding in negative terms. While extremely high rates of concordance begin to raise questions about the independence of board decisions, the reasons behind high concordance are not clear. Demers (1978) has argued that the high workload of board members has inadvertently led them to delegate more authority to parole officers and to rely more on their presentation of cases. While this may be a contributing

factor, there are undoubtedly other reasons for high concordance. In view of the severity of some of the violations that were found in the present study, it may be that circumstances are seen to dictate decisions. Both parole officers and board members may find little room for discretion when police report strong evidence that an inmate has committed a crime.

Aside from questions of workload, in cases that are less straightforward, it is not unreasonable for board members to place substantial weight on the assessment of a parole officer who is more familiar with the inmate, and whose professional judgement may be respected. Further, the plain willingness of the parole officer to work further with the inmate, as indicated through a recommendation to cancel, may be an important factor for consideration. Where a board member may otherwise be prone to revoke, the fact that a parole officer has offered to work further with the inmate may lower the board member's perception of risk.

To some extent it can be assumed that parole officers present cases in a manner that is consistent with board members' expectations.[47] Considerable effort goes into a suspension case with respect to the post-suspension interview, consultation within the office, and preparation of reports. Parole officers are perhaps less likely to support a case for revocation when, based on past experience with similar types of cases, it is anticipated that the

board will cancel suspension. Further, parole officers may perceive board decisions as a reflection on the quality of their work, and too many disagreements one way or the other may encourage parole officers to perform their work differently. In summary, the high concordance between CSC recommendations and NPB recommendations may be explained by a number of factors, and these explanations do not necessarily suggest that the inmate is being treated unfairly.

Of the 52% of suspension cases that led to revocation by the NPB, it is informative to examine further the consequences of that decision. Upon revocation, the average time remaining before expiry of the inmate's sentence was 16.4 months, ranging from 15 days to 8 years, 11 months (excluding one inmate under habitual offender status and eight inmates serving life sentences). As expected, time remaining varied according to the inmate's program of conditional release. Inmates released under mandatory supervision had an average of 8.3 months (standard deviation (s.d.) = 6.3) remaining; full parolees had an average 18.9 months (s.d. = 19.8); and day parolees had an average of 21.9 months (s.d. = 13.7).

It was noted earlier that revoked inmates become eligible again to earn remission for good behaviour. Therefore, inmates will usually serve about one-third less of their remaining sentence in an institution. With respect

to the mitigation of the effects of revocation, in only 9 cases (3%) did board members re-credit remission. Consistent with NPB policy, board members were more likely to use other remedies to provide the inmate with an early opportunity for re-release. In 12 cases (4%), the inmate was to be released on day parole as soon as the necessary arrangements could be made. In 8 cases (3%) the inmate was given an early review date in order for the board to reconsider parole at some later point, and in 18 cases (6%), the board stated it would reconsider release when certain conditions were met - for example, an alternative release plan was established, or when particular institutional treatment program was completed.

In few cases (7%) did inmates request re-examination of the board's decision to revoke. Of the 21 cases that were reviewed at headquarters, the decision to revoke was reaffirmed in 18 cases. In only two cases the decisions were reversed and the inmates were returned to the community under supervision, and in one case concerning a day parolee, termination was substituted for revocation.

Despite the number of inmates whose whereabouts were unknown at the time of suspension, only 32 inmates (5%) had their release revoked while they were outside of custody. This was because most inmates were apprehended within 60 days following issuance of a suspension warrant. At the time of file review, 23 of the inmates who were revoked

outside of custody had been apprehended, and following the post-revocation interview, in only one case did the parole officer recommend cancellation of revocation. The NPB followed this recommendation and the inmate was re-released to the community.

Reasons for Suspension Outcomes. The final outcome of suspensions according to the most serious violation in every case is presented in Table 7. This table shows that seventy percent (i.e., 219) of cases involving a charge or conviction resulted in revocation, and similarly 68% of all NPB decisions to revoke were cases involving a charge or conviction. While various violations were reported as the reasons for suspension, certain types of violations were more likely to lead to revocation. The large number of charges also indicates substantial police involvement in suspension and revocation proceedings as found by Waller (1974).[48]

By examining row percentages, it can also be seen that only 15% of violations of CCC/CRC regulations led to revocation, while 47% were cancelled by CSC. This may indicate a greater tendency for parole officers to temporarily suspend day parolees for disciplinary reasons. Consistent with policy, the majority of suspensions for violation of a special release condition were referred to the NPB for decision. Forty-seven percent of cases were

TABLE 7

OUTCOME OF SUSPENSIONS ACCORDING TO MOST SERIOUS VIOLATION

Most Serious Violation	Suspension Outcome				
	Withdrawal or Cancellation by CSC	Cancellation by NPB	Revocation by NPB	Termination by NPB	Total
Other	8[a] (36.93)[b] (7.41)[c]	8 (36.93) (6.07)	4 (23.53) (1.23)	4 (24.37) (6.45)	24 (3.83)
Standard Release Conditions	10 (35.71) (9.26)	3 (10.71) (2.27)	13 (46.43) (4.01)	2 (7.14) (3.23)	28 (4.47)
CCC/CRC Regulations	25 (47.17) (23.15)	5 (9.43) (3.79)	8 (15.09) (2.47)	15 (28.30) (24.19)	53 (8.47)
Special Release Conditions	2 (3.92) (1.85)	24 (47.06) (18.18)	13 (25.49) (4.01)	12 (23.53) (19.53)	51 (8.15)
Whereabouts Unknown	20 (19.23) (18.52)	24 (23.08) (18.18)	48 (46.15) (14.81	12 (11.54) (19.35)	104 (16.61)
Illegal Activity Without a Police Charge	20 (36.36) (18.52)	11 (20.00) (8.53)	19 (34.55) (5.86)	5 (9.09) (8.06)	55 (8.78)
Charge or Conviction	23 (7.40) (21.30)	57 (18.33) (43.18)	219 (70.41) (67.59)	12 (3.86) (19.35)	311 (49.68)
TOTAL	**108 (17.25)**	**132 (21.09)**	**324 (51.76)**	**62 (9.90)**	**626* (100%)**

a. Indicates number of cases.
b. Indicates row percentage.
c. Indicates column percentage.
* Three cases were incomplete at the time of study.

cancelled by the board, suggesting that in many cases the inmate had been suspended for the violation alone, and that overall he was still considered a low risk to reoffend.[49]

In few cases (7%) did parole officers cancel suspension where there was a charge or conviction. However, column percentages reveal that a large proportion of cases (43%) that NPB cancelled contained a charge or conviction. Considering the high concordance between NPB decisions and CSC recommendations, it appears that even though parole officers may have been prone to cancellation - perhaps because the charge was minor or there were other mitigating factors - the presence of a charge led them to refer the case to the board with the recommendation that it cancel the suspension.

Finally, the distribution of cases in the termination column indicates that the board terminates the release of day parolees in a variety of circumstances. This supports the suggestion in the Solicitor General's Study of Conditional Release (1981) that termination is sometimes "initiated as a result of problems with the day parolee's behaviour" and not only "because of the expiry of a work or other program in which he was participating" (p.62).

Multiple Regression Analyses. Multiple regression analyses were performed in order to examine the relationship of several factors to the outcome of suspension cases.

Multiple regression is a technique for determining the combination of factors in a situation that best predicts a particular outcome. The technique yields a mathematical equation in which the value of the outcome variable is expressed as an additive function of several factors individually weighted. The statistical program begins by computing the correlations (i.e., simple R's) between each factor and the outcome variable. The factor showing the highest correlation with outcome is entered into the equation first. The strength of this correlation is a measure of the degree to which information about this factor provides an estimate of the outcome; in other words, this factor "accounts for" or "explains" some of the variance in outcome. Subsequent factors which explain the largest portion of the residual variance (i.e., the variance not yet explained) are entered in succession until the factors remaining cannot add substantially to the variance explained.

Multiple regression techniques were applied to three types of decision outcomes, defined dichotomously as follows:

a) **Final outcome.** Suspension cases that were cancelled by CSC were grouped with cases cancelled by NPB; cases that were revoked formed the other part of the dichotomy. This outcome reflected whether, in the end, the suspension was cancelled or the release was revoked.

b) **Final CSC decision.** Suspension cases that were cancelled by CSC were grouped with cases that were referred to NPB with a recommendation to cancel; cases that were referred to NPB with a recommendation to revoke formed the other part of the dichotomy. This outcome reflected the CSC decision in the case.

c) **Final NPB decision.** For cases that were referred to NPB,those where the suspension was cancelled versus those where the release was revoked.

Excluded from all these analyses were cases where the final decision was to terminate release (62), withdraw the suspension warrant (12), and cases that were incomplete (3).[50]

Within each level of analysis, further testing was conducted to discover whether regional differences existed, and whether cases were considered differently according to the type of release. Thirty-five variables were selected for testing, each drawn from one of the following categories: A) current violation that led to suspension; B) inmate's performance while on release; C) original offence; D) criminal history; E) inmate characteristics; and F) situational factors. Appendix C defines each variable, and lists the multiple regression equations that were derived from these analyses.

Table 8 lists 18 variables that appeared one or more times as decision-making factors in the three sets of analyses. Based on the regression equations listed in

Appendix C, Table 9 summarizes the contribution of variables to each of the decision outcomes under study. As indicated by the "R^2" column, the amount of "variance explained" through these analyses was small (i.e., in order of .20, on average), although these figures are comparable to the results of similar studies.[51]

While the overall contribution to decisions was small, individual factors listed in Tables 8 and 9 did consistently relate to CSC and NPB decision-making at a high level of statistical significance (p .01). The frequency of "A" variables in Table 9 indicates that greatest emphasis was placed on the severity of the current violation. In particular, a police charge or conviction (A_1) was confirmed as a predominant factor behind decisions to revoke. At the national level, charges were important in all three sets of analysis, and whereabouts unknown (A_2) was an important factor in final outcome and CSC decisions. For NPB decisions, it is likely that whereabouts unknown was less important because most inmates were returned to custody before NPB review. Previous suspensions (B_1) were important in the three analyses indicating that inmates were unlikely to get a second chance if they had already had a suspension cancelled on the current term. The presence of two or more special reports (F_1) was related to revocation in the final outcome and NPB decisions. A likely explanation of this finding is that parole officers provided further background

TABLE 8

VARIABLE INDEX[a]

Variable	Classification	Definition
A_1	Current violation	Charge or conviction involved
A_2	Current violation	Whereabouts unknown at time of suspension
B_1	Performance on release	Inmate suspended previously (in current release)
B_2	Performance on release	Inmate employed previous to suspension
E_1	Inmate characteristics	Inmate identified as having psychiatric problems
A_3	Current violation	Charge became conviction before NPB decision
C_1	Original offence	Number of current offences
F_1	Situational	Two or more special reports written at time of suspension
F_2	Situational	Community assessment completed at time of suspension
E_2	Inmate characteristics	Inmate identified as having alcohol or drug problems
A_4	Current violation	Number of current violations
B_3	Performance on release	Earlier violation(s) reported that did not result in suspension
B_4	Performance on release	Special release condition(s) added since release
C_2	Original offence	Aggregate sentence
C_3	Original offence	Offence contains violence
E_3	Inmate characteristics	Age of inmate
F_3	Situational	Post-suspension interview completed by parole officer that supervised inmate
F_4	Situational	Post-suspension hearing conducted by NPB

[a]. Variables A_3 and F_4 apply only to "Final NPB Decision" analyses.

TABLE 9

SIGNIFICANT VARIABLES FROM REGRESSION ANALYSES[a]

Analyses	R^2	Variables																
		A_1	A_2	B_1	B_2	E_1	A_3	C_1	F_1	F_2	E_2	A_4	B_3	B_4	C_2	C_3	E_3	F_3
A. Final Outcome																		
National	.20	X	X	X					X	O								
Atlantic	.37				O	X						X			X			
Quebec	.23	X											O					
Ontario	.21	X	X			•												
Prairies	.30	X	X					X										
Pacific	.25	X							X									
B. Final CSC Decision																		
National	.20	X	X	X														
Atlantic	.29				O	X		X										
Quebec	.29	X																X
Ontario	.15	X																
Prairies	.24	X	X															
Pacific	.44	X	X							O				X				
C. Final NPB Decision																		
National	.18	X		X			X		X	O	O							
Atlantic	.34				O												X	
Quebec	.13	X																
Ontario	.12																	
Prairies	.22	X														X		
Pacific	.23						X		X									

a. See Table 8 for definition of variables.

"X" Denotes a positive relationship, i.e., the likelihood of revocation increases with this factor.

"O" Denotes a negative relationship, i.e., the likelihood of revocation decreases with this factor.

Exaple: In the Pacific Region, the final CSC decision in a case was more likely to be recommendation to the Board that it revoke when a charge or conviction was involved, the inmate's whereabouts were unknown, there was not a community assessment completed, and the inmate had a special release condition added to his release certificate since he wasreleased.

"p" .01

information in cases that were likely to be revoked, whether or not that they were recommending revocation. The negative relationship between revocation and a community assessment (F_2) suggests that community assessments were more likely to be undertaken when there was a strong tendency to cancel suspension.

Dividing the sample according to regions improved the "fit" of most regression equations in each set of analyses, indicating that there are regional differences. Table 9 illustrates that in the Atlantic region factors other than those relating to the current violation were most important. Employment while on release (B_2) was a factor that was inversely related to revocation in all three analyses. This may relate to the relatively high unemployment in the Atlantic region and a perception by both parole officers and board members that an inmate's ability to maintain employment is a particular achievement and an indicator of low risk. Emphasis on psychiatric problems (E_1) in CSC decision-making and final outcome suggests a stronger clinical orientation in the Atlantic. Interestingly, the R^2 coefficient in each level of analysis is higher for the Atlantic than most other regions, suggesting higher consensus on factors that should be emphasized in decision-making.

In the Ontario and Quebec regions, very few factors were found to be significantly related to decision, and the

R^2 coefficients tended to be smaller. The fact that these two regions are much larger than the others in terms of both CSC and NPB staff and also the number of inmates under supervision may account for these findings. That is, the greater number of decisions and decision-makers in these regions results in less opportunity for consensus.

Consistent with the finding of a high concordance rate between CSC and NPB decisions, there were some similarities in the results of the regression analyses for CSC and NPB decisions. At the national level, for example, charge or conviction (A_1) and previous suspensions (R_2) were found in both analyses. However, Table 9 reveals that similarities were less evident at the level of individual regions and at the national level it appears that a wider range of factors influenced NPB decision-making. While whereabouts unknown (A_2) was not a factor in NPB decisions, charges which resulted in conviction before NPB decision (A_3), and the presence of two or more Special Reports (F_1) positively related to the board's decision to revoke, and the presence of a Community Assessment was inversely related to revocation. Interestingly, an alcohol or drug problem (E_2) was also inversely related to revocation, perhaps because it was seen to mitigate the seriousness of the violation that led to suspension, or because board members perceived cases with an alcohol or drug problem as having better possibilities for treatment in the community.

Finally, several analyses were performed to determine whether the inmate's type of release influenced decision-making. These analyses revealed that full parole in comparison to day parole and mandatory supervision usually decreased the likelihood of revocation, and that decision-making criteria were used somewhat differently for the three groups. Within final outcome and CSC decisions, the presence of a charge or conviction (A_1) consistently corresponded with decisions to revoke, regardless of whether inmates were under day parole, full parole, or mandatory supervision. However, the coefficient values for A_1 were smaller in the full parole equation, indicating that day parolees and inmates under mandatory supervision were more likely than full parolees to be revoked on the basis of a charge. Further, the intercept values tended to be lower in the equations for full parole, and the equations also contained fewer variables - while whereabouts unknown (A_2) was a factor in cases of day parole and mandatory supervision, increasing the likelihood that CSC would recommend revocation, it was not a factor in the case of full parole. On the basis of these results, it appears that parole officers and board members generally perceive full parolees as being a lower risk to reoffend should suspension be cancelled.

In summary, regression analyses demonstrated that the most important factors that influence decisions to revoke or

cancel suspension are related to the nature of the violation that led to suspension. A charge or conviction and whereabouts unknown were particularly important. As one indicator of performance on release, the fact that an inmate had already been suspended in the past was strongly related to revocation.[52] Revocation was also found to be less likely when the inmate was under full parole.

Othe factors that are usually associated with risk rarely emerged in the analyses. Specifically, factors relating to criminal history did not appear, nor did factors relating to the inmate's marital status, education, or length of time on release before suspension. It would therefore seem that, unlike parole selection decisions that involve a complex assessment of risk, the decision to revoke is relatively straighforward, focussing mainly on the particular violation for which the inmate had been suspended.

Analysis of risk factors The results of the Multiple regression analyses demonstrated that the nature of the violation was the principal determinant of decisions in the suspension/revocation process, and that other factors overall did not relate as consistently to these decisions. Yet, Nuttall et al. in their study of parole (see pp. 30-31), observed that there were differences between inmates who were revoked for a conviction and those who were revoked

for a technical violation, and that these differences suggested that the assessment of risk had been done differently in the two types of cases.

To obtain a better understanding of the role of "overall risk assessment", further analyses were conducted to distinguish inmates who had been revoked for a serious charge or conviction (216 cases) and inmates who were revoked for a technical violation or a less serious crime (e.g. theft under) (108 cases). Analyses (X^2 and t-test) were performed on 25 variables drawn from the following categories: A) inmate's performance while on release; B) original offence; C) criminal history; D) inmate's characteristics; and E) situational factors.

The results (see Appendix D) showed that consistent with the findings of Nuttall et al., inmates who were revoked for a serious violation had a tendency to be more stable on social factors. Specifically, they were more likely to be married or to reside with their spouse or parents. They also had been on release for a longer period of time and had less time remaining on their sentence.

Conversely, inmates who had had an earlier suspension cancelled were unlikely to return for a serious violation, suggesting that parole officers remain vigilant in cases where the inmate has shown himself to be a "high risk".

In summary, it appears that there are some differences in the way parole officers assess the "overall risk" of

different inmates. While an assessment of an inmate as a "high risk" may result in a closer supervision and therefore a greater likelihood of a return for a technical violation, an assessment of a inmate as a "low risk" may result in a less stringent supervision and a greater chance of return for a serious violation in these cases.

General Procedures. Upon execution of the suspension warrant, 83% of inmates were placed in a local jail, and 12% were immediately returned to a federal penitentiary. In the post-suspension interview, 57% of inmates were interviewed by the parole officer who had been their supervisor, and 41% were interviewed by a different parole officer. Where a different officer conducted the interview, 35% of cases it was an officer who worked in the same parole office as the supervising officer. In 23% of cases, the supervising officer was from a private agency and hence an officer from CSC conducted the interview. In 21% of cases the inmate was apprehended outside his designated area, and in 11% of cases the inmate was transferred from a local jail to an institution before the post-suspension interview could be held by the supervising officer.

Of all cases referred to the NPB for decision, 212 (41%) involved a post-suspension hearing. In 64% of those cases that did not involve a hearing, the inmate had waived his right to a hearing. This constitutes 38% of all inmates whose cases were referred to the NPB. In another 18% of

cases that were examined by the board without a hearing, the board had precluded the need for a hearing by cancelling suspension on the basis of a review of the inmate's file. In 7% of cases, the inmate lost the right to a hearing because he was at large until after the board's decision to revoke, and in 3% of cases the inmate defaulted by not requesting a hearing within the first 29 days. Of the 212 inmates who did have a post-suspension hearing, 79% waived their right to 14 days advance notice of the hearing.

It was difficult in most instances to ascertain from the files whether inmates who exercised their right to a hearing brought an assistant with them to the hearing. In only 41 cases (19%) was it clear that the inmate had brought someone. In 18 of these cases (44%) it was a lawyer, and in the remaining cases it was a relative or friend.

Time Delay. Table 10 presents nationally and by region the number of days between various procedural steps within the suspension and revocation process. Time A values reflect the time between execution of the suspension (warrant whereby the inmate is brought into custody) and the post-suspension interview by a parole officer. According to policy, the interview should occur within the first 10 days of suspension. Table 10 indicates a national average of 6.2 days, with figures ranging from 4.7 in the Quebec region to 8.6 in the Atlantic. In total, 89% of interviews were held

in 10 days or less. Reasons were not clear for those cases that took longer.

Time B values represent the average time in days between execution of the warrant and the date of the final Special Report containing the Parole Officer's decision to either cancel the suspension or refer it to the board with a recommendation. The latter date may not correspond with the official date on which cases were cancelled or referred to NPB, which is normally done by a telex from CSC to NPB. Hence, these figures represent the time required by CSC to fully document cases rather than the number of days that CSC held jurisdiction in cases, which must be 14 days or less (Parole Act, Subsection 16(3)).

Table 10 indicates that the national average for Time B is 11.8 days. Tests were conducted to determine whether any region took longer than 14 days on average. No region, including the Atlantic which had the highest average of 14.3 days, was found to have a statistically significant average above 14 days.[53] In total, 84% of cases in the sample took 14 days or less.

Time C is the period from final documentation of a case by CSC to final decision by the NPB. As noted earlier, the Parole Act does not require the NPB to render its decision in suspension cases within a specified period of time. Table 10 indicates that the national average was 38.6 days (5 1/2 weeks) and that considerable variation existed

TABLE 10

AVERAGE NUMBER OF DAYS BETWEEN PROCEDURAL STEPS

TIME

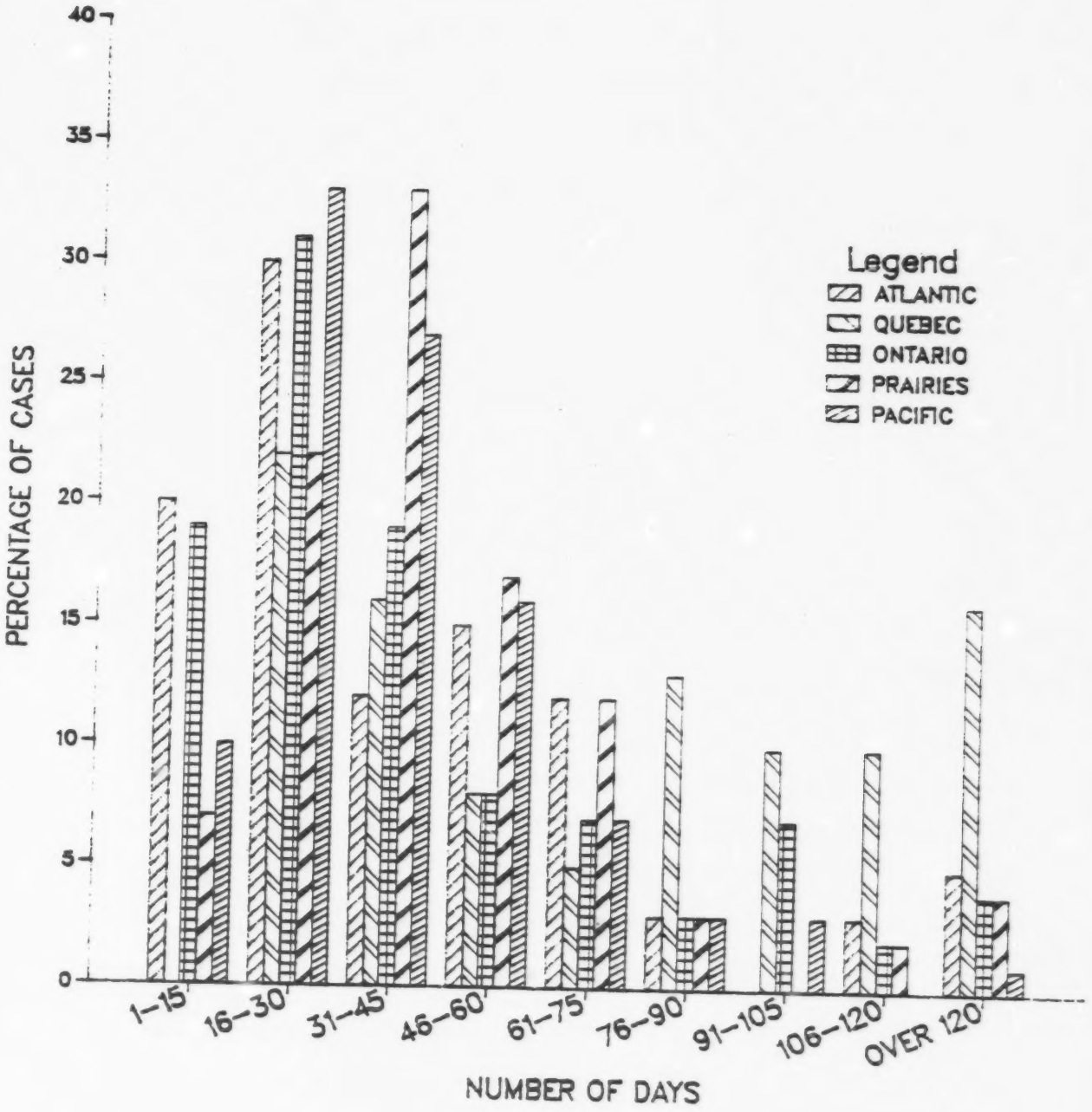
Region	A Days from execution of warrant to post-suspension interview	B Days from execution of warrant to final documentation by CSC	C Days from final documentation by CSC to final NPB decision	D Days from from execution of warrant to final NPB decision
National	6.2	11.8	38.6	51.3
Atlantic	8.6	14.3	29.4	44.7
Quebec	4.7	11.6	64.3	77.3
Ontario	7.4	11.8	29.7	42.5
Prairies	5.4	9.3	36.9	46.5
Pacific	5.5	13.3	24.4	38.3

between regions. The Pacific region took the least amount of time with an average of 24.4 days, and the Quebec region took the most time (average: 64.3 days).

The total average time taken between execution of the suspension warrant and final NPB decision is described as Time D. This analysis excluded cases that were cancelled under CSC authority. The national average was 51.3 days (7 weeks), and again, considerable variation was found among regions. The Quebec region took approximately 4 weeks more than the national average, and was found to take significantly more time than all of the other regions.[54] The regional distribution of Time D values can be seen in Figure 2. In marked contrast with the other regions, Quebec did not complete any suspension cases within the first 15 days.

FIGURE 2

DISTRIBUTION OF TIME TAKEN ACCORDING TO REGION



In order to determine some possible causes for delay, one hundred and ninety cases that required more than 45 days to complete were analyzed in further detail. This subset represented 40% of all cases that were referred to the NPB. First, Time B analysis was repeated on this subset to discover whether CSC took more time in these cases to submit its final report. Overall, it did not appear that CSC contributed significantly to the delay. Less than one-third of these cases (29%) were found to take longer than 14 days, though 12% were found to take longer than 28 days.

In 57% of cases that took more than 45 days, the NPB reserved its decision one or more times, and in one-half of cases the first decision to reserve was upon request by CSC. In only five cases (3%) did NPB reserve because of a split vote, and no cases were referred to the NPB headquarters for decision.

In 13% of cases, board members requested further information before making a decision. In 22% of cases, it was clear from documentation on file that the NPB was awaiting the outcome of police charges before rendering its decision. While it is possible that board members were waiting for the results of police charges in other cases as well, the relationship between police charges and the time taken was not statistically significant, suggesting that police charges were not a major factor in delay.[55]

The most salient factor that related to time delay was the presence of a post-suspension hearing. Seventy-four

percent of cases in the subset involved a hearing, and two-thirds of all cases with a hearing required more than 45 days. A statistical test confirmed this relationship.[56]

IV. RESEARCH: INFORMATION FROM INTERVIEWS AND QUESTIONNAIRES

A. Method

In order to obtain further information concerning the suspension and revocation process, interviews were conducted with key decision-makers. In addition, questionnaires were mailed to a sample of individuals who work as parole supervisors in agencies that are under contract with CSC to supervise inmates on conditional release. Questions in the interviews and questionnaires centered around working practices, reasons for decisions, and areas in the suspension and revocation process that respondents would like to see changed.

Interview Respondents. The plan was to interview all full-time and temporary board members who had at least six months experience on the board. In total, 32 members of the NPB were interviewed, including 19 full time board members, and 13 temporary board members.[57] One board member in Quebec was not interviewed because the member had less than six months experience. Two temporary board members in the Ontario region, one temporary board member and one full-time board member in the Pacific region, and one temporary board member at headquarters were unavailable for interviews.

Because of the large number of CSC personnel involved in the suspension and revocation process, a sample

was drawn to represent this population. Thirty percent of the parole staff in each region who have responsibility for the supervision of federal inmates were selected. It was impractical to obtain a completely random selection of respondents; representation was proportionate to the number of staff in each district in each region. In addition, the number of staff in each region who specialize in day parole was proportionately represented. In order to control for differences that might exist between rural and urban offices, one rural office in every region was selected as an interview site. In total 161 CSC staff members were interviewed in 38 sites across Canada. Table 33 in Appendix E provides the distribution of the sample according to the position of respondents in the organization.

Interview Questions Respondents were asked open-ended questions, and interviewers probed with derivative questions when clarification was required. On matters that related to procedure, questions varied appropriately according to whether the respondent was a board member, parole officer, or supervisor within a parole office or CCC. With the interviewer's assurance of confidentiality, respondents generally granted permission to have the interview recorded. Five members of the NPB (16%) and 15 CSC parole staff (9%) did not consent to taped interviews. Interviews lasted an average of 45 minutes, ranging from 25 minutes to 1½ hours.

Data collection forms were prepared, and following a reliability test, each taped interview or written transcript was analysed and coded. Because of the open nature of questions, a variety of responses was obtained. Only items that were mentioned by 10% or more of each group of respondents were included in the data analysis.[58]

During interviews with CSC parole staff, respondents were also presented with a list of 14 factors that might be considered in evaluating a suspension case and making a final recommendation (see Table 14). Respondents were asked to independently rate each factor on a scale of one to seven according to how important it was to their decisions. Factors were based upon NPB guidelines for reviews and hearings (NPB, 1983, p. 68), though some revision were made to specifically reflect suspension and revocation decisions.[59]

Questionnaire for Private Agency Staff. Groups such as the John Howard Society, the Salvation Army and the Elizabeth Fry Society have contracts with CSC whereby they assume responsibility for supervising inmates on day parole, full parole or mandatory supervision. Across Canada, there are approximately 120 private agency staff who have the responsibility for direct supervision of release programs.[60] In the file study, it was found that 25% of inmates in the

sample were supervised by private agency staff. Parole staff in private agencies do not have authority to issue suspension warrants and often are not directly involved in suspension proceedings. Much of the responsibility for suspensions remains with the local CSC parole office. Nevertheless, the responsibility of private agencies for cases up to the point of suspension suggests that they at least have influence on the initial decision by a CSC officer to suspend, and perhaps afterward on the way the case is handled.

The questions in the questionnaire corresponded largely to those that were asked in the interviews with NPB members and CSC staff. To ensure proportionate regional representation, 50% of private agency staff in each region were randomly selected and requested to complete a questionnaire. Criteria for inclusion in this sample were that respondents had six months or more experience in the direct supervision of federal inmates. Fifty-five questionnaires were mailed, of which 33 (60%) were returned.

B. CSC Interview Results

Organization and Workload in CSC Offices. Twenty-three parole offices and 15 Community Correctional Centres were included in the study. A parole office typically consisted

of an Area Manager, four to five parole officers, and support staff. Parole officers reported on average that they were directly responsible for the supervision of 16 federal inmates. However, the actual structure of parole offices and the precise nature of parole officers' responsibilities varied according to the location of the office. In the Atlantic and Prairie regions, two-thirds of parole offices that were visited carried additional responsibility for the supervision of provincial inmates. In large urban centres, parole offices normally contained a larger number of staff and the Area Manager was often assisted by "Section Supervisors". Where offices were situated close to a federal penitentiary, staff were involved in case preparation. That is, parole officers were members of case management teams within institutions which were responsible for preparing cases for the board's consideration for release. The parole officers were responsible for conducting community inquiries to assist the case preparation. While some parole officers worked exclusively in case preparation, 23% of parole officers in the study were responsible for both case preparation and case supervision. Finally, 39% of the CSC offices were located near a Community Residential Centre or a private agency office under contract for supervision services. In these circumstances, parole officers were assigned responsibility for "indirect supervision" of cases, ensuring that inmates

were supervised according to CSC standards, and assuming direct responsibility for cases when suspension was in order.

The staff at a Community Correctional Centres normally consisted of a Superintendent, two or three parole officers, a living unit officer and support staff. The average bed capacity was 27, and ranged from 18 to 65. The average caseload for parole officers in CCC's was nine inmates, and normally these officers did not have responsibility for case preparation or indirect supervision.

CSC Procedures. While fluctuations over time were usually reported, parole officers estimated that they suspended an average of one inmate per month. Hence, most parole officers were fully familiar with CSC policy and procedures for the suspension of inmates. However, not all parole officers routinely handled suspension cases from beginning to end. In the Atlantic region, suspended inmates were normally transferred to Dorchester Institution and the Moncton office assumed responsibility for conducting the post-supervision interview, deciding on appropriate action, and preparing Special Reports for the board. Similarly, the Pacific region had two offices that received suspension cases from elsewhere in the region. In all regions, where a case was referred to the board for decision and the inmate was not held in remand in a local jail to face outstanding

charges, the inmate was generally transferred to a federal institution. Where the inmate had requested a post-suspension hearing, the nearest parole office to the penitentiary would normally receive the inmate's file and send an officer to the hearing to answer the board's questions.

Each parole office and CCC had an average of two staff members who were delegated authority to sign suspension warrants. Area Managers and most Section Supervisors had this authority, and in small offices that did not have a Section Supervisor, a senior parole officer sometimes held authority that was only exercised in the absence of the Area Manager. Eighty percent of parole officers reported that full consultation usually took place between themselves and their supervisors before suspension warrants were issued, and before final decisions were made to either cancel suspension or refer the case to the board, while 11% of parole officers claimed that only difficult cases were discussed and that supervisors normally supported their recommendations for action by providing necessary signatures without discussion. Nine percent of parole officers were unclear about their working relationship with their supervisor.

Consultation on supervision cases with outside members of the community such as family or employers was infrequently mentioned (15%) by parole officers, though 50%

mentioned contact with other parole staff, usually to informally discuss the merits of suspension in a case. With respect to police contact, 84% claimed to have a very good or excellent working relationship with the police. Seven percent considered the relationship to be satisfactory, and 9% were unclear. This represents a marked improvement since the time of Waller's study (1974, p.137) where generally poor relations were found to exist between parole officers and police.

Outside of hearings, there appeared to be minimal contact between CSC staff and regional board members. Seventeen percent of respondents claimed that they sometimes contacted board members directly, 30% stated they sometimes consulted other staff of the NPB, and 39% reported that they never contacted the board at any level. Fourteen percent of respondents were unclear on this point. Regardless of the level of contact, parole staff reported on average that the board agreed with their case recommendations 89% of the time, which is very similar to the 88% concordance rate found in file data. In a similar vein, 69% of respondents claimed to have rarely or never disagreed with board decisions.

CSC Reasons for Decision. All CSC respondents (161) were asked under what circumstances they were "most often" inclined to suspend an individual's conditional release.

Table 11 presents categories of responses and the percentage of respondents who gave a reply consistent with each category.[61] Consistent with information collected from files, it can be seen that criminal activity (72%) and whereabouts unknown or failure to report (45%) were often reported as reasons for suspension. Frequent mention of violation of a special release condition (58%) indicates that parole officers are very conscious of regulations that require them to suspend for such a violation (CSC, 1982, p.176).

TABLE 11

CSC REASONS FOR SUSPENSION*

Response	Percentage of Respondents
New charges or evidence of criminal activity	72%
Violation of a special release condition	58%
Whereabouts unknown or failure to report	45%
Overall poor performance, lack of motivation, no cooperation	25%
Failure to follow CCC/CRC program	17%
As a last resort, when alternative measures have failed	16%
Inmate is unable to control alcohol or drug problem	12%

* Question: Generally, in what circumstances would you be most often inclined to suspend an individual's parole?

Reasons relating to the inmate's performance while on release were also reported. Twenty-five percent of respondents gave as reasons for suspension overall poor performance, lack of motivation, or failure to cooperate. Generally, the results of these interviews suggested that reasons relating to general performance were more prominent in decision-making than had been indicated in the file data where 96% of cases contained either a police charge or a technical violation. It may be, as suggested by earlier research (Nicolas, 1976), that violations contribute to a global assessment of the inmate that takes into account many other factors. Accordingly, a parole officer may be more inclined to suspend an inmate when his overall performance has been poor, and attributions of risk are subsequently reinforced by a technical violation.

CSC respondents were asked to explain situations in which they would refer a suspension case to the board with the recommendation that the suspension be cancelled. Table 12 shows that violation of a special release condition was reported most frequently (48%). This is consistent with the high proportion of cases in the file study that were cancelled by the NPB (47%) when violation of a special release condition was the most serious breach in a case. In several of the other reasons listed in Table 12, there appeared to be special circumstances for referring the case to the board for final decision. Circumstances explained

TABLE 12

CSC REASONS FOR REFERRING CASES TO THE NPB WITH THE RECOMMENDATION TO CANCEL*

Response	Percentage of Respondents
The inmate had been suspended for violation of a special release condition	48%
The case is not straightforward	23%
The inmate has a new release plan	22%
Charges were dropped or information that led to suspension was found to be inaccurate	17%
The Fourteen day period was not enough time to reach a decision	15%
The inmate had been performing well, up to the point of violation	13%
The case is serious, high risk, or potentially sensitive	12%

* Question: In what types of situation would your refer cases to the Board while recommending that the suspension be cancelled?

were where "the case is not straight-forward" (23%); "the inmate had been performing well, up to the point of violation" (13%); and, where the case is "serious, high risk, or potentially sensitive" (12%). The reason "the fourteen day period was not enough time to reach a decision" (15%) directly related to regulations. Where parole officers are not able to complete their investigation of a case by the fourteenth day of suspension, they may request

that the NPB reserve decision and grant an extension to the end of their inquiry; however, in doing so they lose jurisdiction to cancel suspension.

Respondents were further asked to describe circumstances in which they supported cancellation of suspension of CSC authority. It was shown earlier in the results of the file study that 15% of all suspensions were cancelled by CSC within the first 14 days. As indicated in Table 13, cancellations may occur because the inmate was perceived to have gained some therapeutic benefit from the suspension - 45% of respondents offered this as a reason. Consistent with NPB regulations (NPB, 1983, p.108), parole officers may sometimes be using temporary suspension in order to discipline inmates and encourage better conformity to release conditions. Thirty-one percent of respondents also stated that they were more likely to cancel suspension on local authority when criminal charges were not involved or the violation was not serious.

Two reasons for cancellation on local authority matched with items in Table 12 showing reasons for referring cases to the board with the recommendation that it cancel suspension. "The inmate has a new release plan" was reported by 28% of respondents, and "charges were dropped or information that led to suspension was found to be inaccurate" was reported by 23% of respondents. This suggests that sometimes there may be subtle differences between cases that are

TABLE 13

CSC REASONS FOR CANCELLING SUSPENSION WITHIN THE FIRST FOURTEEN DAYS*

Response	Percentage of Respondents
The inmate received therapeutic benefit from the suspension	45%
Criminal charges were not involved, or the violation was not serious	31%
The inmate has a new release plan	28%
Charges were dropped or information that led to suspension was found to be inaccurate	23%
The inmate had originally been suspended because his whereabouts were unknown	11%

* Question: Typically, under what circumstances do you support the cancellation of a suspension on CSC authority?

cancelled by CSC and cases that are sent to the NPB with the recommendation that it cancel suspension.

In cases of day parole, most CSC respondents were asked to explain circumstances in which they were more likely to recommend termination to the board as opposed to revocation. Twenty-four respondents were excluded from this question because they had no experience in the supervision of day parolees. Three sets of circumstances were described where: "criminal charged were not involved or the violation was not

serious" (73%); "the inmate had been suspended for overall poor performance, lack of motivation, no cooperation" (62%); and, "a program or central part of the release plan had ended" (16%) (No table is shown.) The first two reasons suggest reluctance by parole staff to recommend that day parolees be revoked when they were suspended for reasons relating more clearly to general risk than to a specific violation. In reference to the last reason, the NPB policy manual states that day parole should be terminated when the release plan cannot be met for reasons beyond the inmate's control (NPB, 1983, p. 149). In such circumstances, however, it is stated that the parole officer should avoid suspension proceedings and request that the board directly terminate the inmate's release.

Factors in CSC Decisions. Table 14 presents in descending order the mean score and standard deviation for factors that were rated for importance on a scale from 1 to 7.[62] The mean rating for all factors combined was 4.90, and the standard deviation was 1.25. Table 14 indicates that the seriousness of the violation leading to suspension was ranked highest (m = 6.53) and that there was high agreement among CSC respondents (s.d. = .66). This is consistent with the strong influence of charges and whereabouts unknown that were found in earlier analyses. Whether the inmate is considered dangerous to society was also rated high

TABLE 14

FACTORS IN CSC SUSPENSION AND REVOCATION DECISIONS

	VARIABLE	MEAN	STANDARD DEVIATION
1.	Nature and gravity of wrongdoing leading to suspension	6.53	0.66
2.	Whether inmate dangerous to society	6.50	0.84
3.	Inmate's overall performance while on release	5.64	1.13
4.	Inmate's likelihood of recidivism	5.14	1.35
5.	Inmate's new release plan if suspension cancelled	4.88	1.29
6.	Inmate's understanding of circumstances contributing to criminal behavior	4.88	1.31
7.	Inmate's ability to define personal goals and maintain motivation	4.71	1.28
8.	Nature and gravity of original offence for which inmate is serving sentence	4.71	1.29
9.	Family/Community support to inmate	4.67	1.25
10.	Criminal history of inmate	4.59	1.34
11.	Consequences to inmate of being revoked	4.28	1.44
12.	Whether inmate employed if released	4.25	1.38
13.	Possible community reaction to re-release	4.08	1.41
14.	Whether warrant expiry date is near	3.67	1.58

(m = 6.50, s.d. = .84), indicating that the perception of possible violence is most important in risk assessment. Rated almost one point below these factors was the overall performance of the inmate while on release (m = 5.64, s.d. = 1.13), followed by the inmate's likelihood of recidivism (m = 5.14, s.d. = 1.35). One would expect that the parole officer's estimate of the likelihood that a particular inmate will re-offend depends in part on the inmate's performance, as well as many other factors in the list. Of the remaining variables, none were rated as unimportant, though the proximity of the suspension date to the inmate's warrant expiry date was considered least important (m = 3.67, s.d. = 1.58). This suggests that parole officers will avoid suspending inmates because their sentence is nearly complete only when several other more important factors do not apply to the case.

CSC Comments on Areas for Change. Table 15 summarizes the replies to an open question on whether there was anything in the suspension and revocation process that the respondent would like to see changed. Eight percent of respondents stated that the process required no change. Of the remaining 92% of parole staff, many comments were related to recent court decisions. Shortly before respondents were interviewed, a case in which an inmate had been suspended twice for the same reasons had led the courts to quash his

TABLE 15

CSC COMMENTS ON AREAS FOR CHANGE*

Response	Percentage of Respondents
Signing authority for suspension warrants should be further delegated	25%
Delay by the NPB in providing inmates with a hearing is often too long	22%
The parole officer's role in post-suspension hearings is too restricted	16%
Legally defensible grounds for suspension should be defined more clearly	16%
Parole officers should have discretion in responding to violations of special release conditions	14%

* Question: Is there anything in the suspension and revocation process that you would like to see changed?

revocation.[63] This led the NPB to re-evaluate its practice of delegating authority for suspension, and to subsequently restrict the number of CSC staff in each office who hold authority. There was some disappointment expressed by CSC staff who personally had their authority removed, and also some concern expressed by others that situations would occur (or have occurred) in which someone with signing authority would not be available when suspension of an inmate was urgently required. Accordingly, 25% of CSC respondents indicated that signing authority for suspension warrants should be more widely delegated among CSC staff.

Sixteen percent of respondents commented that the parole officer's role in hearings was too restricted. Again, this would appear to have been prompted by recent court decision.[64] It had been customary for the parole officer to brief the board on a suspension case just prior to the post-suspension hearing, but because the courts have determined that this constitutes an important part of the hearing process, inmates now have the right to be present for all such discussion. As a consequence, parole officers reported that they were no longer consulted during hearings, and some expressed the view that they no longer had any role to serve in post-suspension hearings.

Table 15 shows that sixteen percent of respondents said that legally acceptable grounds for suspension should be clearly defined. This was often related to awareness of recent court decisions in the area of suspensions and revocations and reflected concern about whether decisions to suspend in certain cases could be challenged in the courts. This point is more fully discussed below in the final section.

It is perhaps not surprising that 22% of respondents mentioned that delay by the board in providing inmates with a hearing is often too long. Evidence from file data showed that hearings contributed to the delay between initial suspension and the board's final decision in cases. One common explanation was that regional board members visited

institutions to conduct hearings on a fixed time schedule, for example, three or four days of every month. If an inmate's case were referred to the board one or two weeks before their next scheduled visit to the institution where the inmate was being held, it could happen that the board's time would already be reserved for other hearings. The inmate's hearing would then be scheduled for the following month, necessitating a five to six week waiting period.

A second explanation that was also discussed in the Solicitor General's Study of Conditional Release (1981) concerns inmates who are held on remand in a local jail, waiting to be tried for outstanding charges. If the inmate requested a post-suspension hearing, in order to conduct the hearing, the board members would have to travel to where the inmate is being held, or wait until charges were cleared and the inmate was transferred to one of the penitentiaries where they regularly visit. It was noted that because of board members' heavy workloads, hearings in these cases are often delayed until after the inmate's trial.

Lastly, 14% of parole officers indicated that they should have the discretion not to suspend inmates for the violation of special release condition. Some parole officers observed that occasionaly inmates will "slip" and violate their condition to abstain from alcohol, and that because the inmate is performing well in other respects, he should not be suspended. In this discussion, parole

officers sometimes noted the disruptive effects of suspension on the inmate's ties with the community.

C. Results from Questionnaires Administered to Private Agency Staff

Of the private agency (PA) staff who completed questionnaires (33), most reported a caseload that was smaller than that of CSC parole officers (m=10). Therefore they are involved in suspensions less often, and it was estimated on average that one inmate was suspended about every three months. Upon receiving negative information that might warrant suspension, 37% of PA staff consult the supervisor of their office, and 63% directly consult the liaison officer at CSC who is either a parole officer, Section Supervisor, or Area Manager. In all cases that end in suspension, the local CSC office must eventually be contacted because PA staff do not have delegated authority to issue suspension warrants. Once it is established that suspension is appropriate, 73% of PA staff write a Special Report that provides detail of the suspension, and it is forwarded to the CSC office. In the remaining 27% of cases, the CSC liaison officer writes the Special Report.

Following initial consultation with the CSC liaison officer and completion of the Special Report, involvement of PA staff in suspension and revocation proceedings generally

declines. Fifty-two percent of PA parole officers reported that they conduct the post-suspension interview in their own cases and then submit to CSC the final Special Report with a recommendation that will go to the board. Only six officers (18%) reported that they have ever attended post-suspension hearings with the board.

The perception that some PA staff had very limited involvement in the process became evident in their comments on areas that they would like to see changed. Fifty-eight percent of respondents were satisfied with the current process. Of 14 respondents (42%) who made recommendations for change, two comments were common across three or more respondents. Six individuals stated that they would like more involvement in decision-making, and expressed the view that they should be consulted more often for their knowledge of cases and their opinions. The other comment which was made by five PA parole officers, and was sometimes associated with the first, was that someone in their office should be delegated the authority to sign suspension warrants, reducing their need to consult CSC staff.

While the questionnaire format appeared to elicit a smaller variety of responses than did interviews with CSC staff, overall the reasons for decisions by PA staff corresponded with the reasons given by CSC staff. Again, the most frequent given for recommending suspension were evidence of criminal activity (67%), breach of a special

release condition (33%), and whereabouts unknown or failure to report (30%). Two reasons for supporting cancellation of suspension within the first 14 days also matched with CSC responses. Suspension should be cancelled before the case is referred to the board when: 1) charges were dropped or information that led to suspension was found to be inaccurate (27%); or 2) if the inmate appears to have gained therapeutic benefit from the suspension (24%).

Thirty-six percent of respondents had no experience with the referral of suspension cases to the board with the recommendation that it cancel suspension. Of the remaining PA respondents, the reasons given were disagreement between themselves and the CSC liaison officer over how the case should be handled (24%), or the case is not straightforward (19%). The most frequent response given by CSC respondents on this question, violation of a special release condition (48%), was not given by PA staff. This may again be a reflection of less involvement in suspension proceedings once a suspension warrant is issued.

Finally, 10 PA parole officers reported responsibility for the supervision of day parolees. Respondents were asked to explain reasons for recommending termination to the board as opposed to revocation. Similar to CSC, the most frequent responses related to overall poor performance (6), and minor violations (3). This also suggests that PA staff are less

inclined to recommend that day parolees be revoked when they were suspended for reasons relating to general risk.

D. NPB Interview Results

NPB Organization and Workload. The number of board members in each of the regions and headquarters ranged from five to seven. A regional board typically consisted of a senior board member, two other full-time board members, and two or three temporary board members. In addition to an executive administrator and support staff, each regional office included a Regional Manager of Case Preparation, and a Regional Manager of Case Supervision. The former's responsibility was to coordinate with CSC in the preparation of cases for the board's consideration. The Regional Manager of Case Supervision served as the primary link between the board and CSC staff with respect to the supervision of inmates. It was this person's duty to monitor cases that were of special concern to the board, to inform the board of all cases where problems were arising, and to maintain liaison with parole officers in the region. The Manager would ensure that supervision cases were adequately documented by CSC, and would ensure that procedural steps were followed from the point of suspension by CSC to the point of final decision by the board.

Similar to regional offices, the board at headquarters

consisted of a senior board member, three full-time board members, and three temporary board members. Their function was to assist regional boards when workloads became heavy, and while at headquarters, to review requests for pardon of criminal records, to review requests from inmates for re-examination of board decisions, and to review cases forwarded by regional offices because additional votes were required.[65] At headquarters and in the regions, it is clear that workloads are normally high, and that decisions relating to suspension and revocation represent a small part of board members' responsibilities. According to NPB statistics for the fiscal year 1982-83, 3,318 decisions were made with respect fo federal inmates under suspension, representing only 12% of all board decisions.[66] Other decisions were release decisions (58%), clemency decisions (17%), re-examination decisions (2%), suspension decisions concerning provincial inmates (3%), and termination decisions for inmates released under temporary absence (8%). In a workload study of NPB members across Canada (Solicitor General of Canada, 1982), it was found that in addition to "decision" activities, board members also spent significant time travelling to institutions, and almost one-quarter of their time was further spent in other activities such as interacting with other agencies in the criminal justice system, and attending meetings with other board members.

NPB Reasons for Decision. Board members were asked to explain in what circumstances they would be "most often" inclined to revoke an offender's conditional release. Table 16 presents the types of responses that were given by four or more of the 32 board members that were interviewed. Again, consistent with both the file study and information given by parole staff, the most frequent response related to evidence of further crime (44%). Similar to one of the strong concerns of CSC staff evidenced in the rating of factors, 41% of NPB respondents expressed particular concern with violence. At a lower rate, 22% of board members stated that they were inclined to revoke when the offender violated a special release condition, suggesting that some board members perceive inability to refrain from drinking, or to comply with other special conditions, as being indicative of risk. Similarly, when a violation fits the pattern of the inmate's criminal history, some board members (22%) viewed this as a particular sign of danger. Consistent with the results of the multiple regression analyses of the file data, board members (19%) expressed inclination to revoke when the inmate had had an earlier suspension that was cancelled.

While most items in Table 16 address the nature of the violation that led to suspension, board members also expressed concern with the general behavior of the inmate while on release. Twenty-two percent of board members

TABLE 16

NPB REASONS FOR REVOCATION*

Response	Percentage of Respondents
New conviction, charge, or evidence of criminal activity	44%
Violation includes violence or concerns a violent offender	41%
Violation of a special release condition	22%
Violation fits the pattern of the inmate's criminal history	22%
Overall poor performance, lack of motivation, no cooperation	22%
Inmate has failed following an earlier cancellation of suspension	19%
Inmate is unable to control alcohol or drug problem	13%

* Question: Generally, in what circumstances would you be most often inclined to vote to revoke an offender's conditional release?

mentioned overall poor performance, lack of motivation, no cooperation as reason for revocation. Thirteen percent were particularly concerned with inmates who are unable to control an alcohol or drug problem. Again it appears that, beyond specific violations, general risk of reoffending is an underlying concern.

Table 17 presents circumstances in which board members indicated that they would be most likely to vote to cancel an inmate's suspension. This table shows that for a

TABLE 17

NPB REASONS FOR CANCELLATION OF SUSPENSION*

Response	Percentage of Respondents
Criminal charges were not involved	63%
The inmate had been performing well, up to the point of violation	34%
The inmate had been suspended for violation of a special release condition	28%
Information that led to suspension was found to be inaccurate	25%
The inmate has good community support	22%
The inmate received benefit from the suspension	19%
The parole officer or residence (CCC/CRC) is willing to work with the inmate	12%
The inmate provided an acceptable explanation for the violation	12%

* Question: In what circumstances would you most often vote to cancel an offender's suspension?

majority of board members (63%) non-involvement of police charges is an important factor. This complements the finding from the file reviews that more than two-thirds of inmates facing a charge or conviction were revoked. It is clear that above all, inmates are expected to follow the law. The fact that 34% of board members indicated a willingness to cancel suspension if the inmate had been performing well, up to the point of suspension, suggests that overall performance is indeed an important factor in

risk assessment, and that it may override at least some types of violations.

In view of the file study results showing that 47% of suspension cases where cancelled by the NPB when the most serious breach was violation of a special release condition, and considering that 48% of CSC respondents mentioned violation of a special release condition as a reason for recommending cancellation, it is not surprising that 28% of board members should also mention this as a reason for cancellation. Yet, 22% also offered this as a reason for revocation. It may be that board members have differing views on the weight that should be placed on special release conditions. However, it is also possible that such cases tend to be more complex and particularly problematic for deciding whether revocation or cancellation is the most appropriate action. While the NPB manual for policy and procedures does not specify reasons for imposing special release conditions, implicitly it is because certain behavior, such as consumption of alcohol or association with particular persons, is directly connected with an inmate's criminal past, and prohibiting this behavior will help prevent further crime. In the case of an inmate who violates his special condition to abstain by accepting a glass of wine at a wedding, board members may easily conclude that the inmate is not returning to a life of crime, and accordingly may cancel suspension.

Alternatively, a drunken binge in a hotel may cause board members to ponder more carefully, and to consider several other aspects of the case that may be indicative of risk to reoffend. Perhaps situations that were similar to the latter example accounted for the 25% of cases in the file study that were revoked for violation of a special release condition.

Of the remaining reasons presented for cancellation in Table 17, it can be seen that outside support for the inmate is important. Twenty-two percent of board members mentioned good community support as a reason for cancellation; and 12% indicated that support from the parole officer or CCC/CRC was important. Nineteen percent of board members also expressed a willingness to cancel suspension when the inmate had benefitted by suspension. This corresponds with 45% of CSC respondents who indicated that they would cancel suspension when a short period of detention appeared to have changed the inmate's motivation to comply with the conditions of his release. It also appears that some inmates benefit by a post-suspension hearing since 12% of board members said that they were more inclined to cancel suspension when the inmate provided an acceptable explanation for his violation.

In cases of day parole, five circumstances in which board members indicated that they would exercise their option to terminate are listed in Table 18. Most responses

TABLE 18

NPB REASONS FOR TERMINATION*

Response	Percentage of Respondents
Criminal charges were not involved, or the violation was not serious	56%
A program or central part of the release plan had ended	47%
The inmate had been suspended for breach of a technical condition of release	38%
Where the loss of remission by a decision to revoke would be too harsh	31%
The inmate had been suspended for overall poor performance, lack of motivation, no cooperation	25%

* Question: In cases of day parole, in what types of situation are you more likely to vote for termination as opposed to revocation?

correspond directly with NPB policy guidelines for termination (see Part I). As was the case with CSC respondents, the most frequent response (56%) of board members was "where criminal charges were not involved or where the violation was otherwise not serious". In a similar pattern, 38% of board members indicated that they would terminate if the inmate had been suspended for a technical violation. Two other responses also given by NPB were: where a program or central part of the release plan had ended (47%); and, where the inmate had been suspended for overall poor performance, lack of motivation, or no cooperation (25%). Thirty-one percent of board members also

stated that termination was appropriate where the loss of remission by a decision to revoke would be too harsh. Presumably, this last point ties in with the other reasons relating to the severity of the violation or the performance of the inmate. That is, consideration of what is too harsh requires that board members weigh the potential loss of remission through revocation against the seriousness of the behavior that led to suspension.

Specific Issues. NPB members were asked specific questions in reference to post-suspension hearings and re-credit of remission. First, board members were asked whether their consideration of a case with a hearing varies from the case where an inmate has not requested one. (In the latter case, board members are largely limited to a review of the inmate's file.) Twenty-nine of the thirty-two board members (91%) stated that to some degree, they do consider cases with a hearing differently. The following comments were made: the inmate's character can be better assessed during a hearing (35%); by waiving the right to a hearing, the inmate is admitting failure (28%); the inmate's case often appears more negative in a file than in a hearing (21%); and, where a problem occurs between the inmate and parole officer, a hearing provides them both with the opportunity to present their case (14%). It appears that despite their busy schedule, board members prefer to hold hearings with

inmates because it provides a better base for decisions. Moreover, even though inmates may need to wait longer for a final decison, they appear more likely to receive a favourable decision by requesting a hearing. However, one further comment by board members suggests that this is not always the case. Twenty-eight percent stated that where the inmate has acquired a new charge or conviction, a hearing is generally a waste of time.

Despite the finding in the file study that very few decisions to revoke were accompanied by a decision to re-credit remission (3%), 59% of board members indicated that they were mostly satisfied with existing mechanisms for mitigating the effects of revocation. Twenty-eight percent of respondents were clearly dissatisifed; for the remaining 12%, level of satisfaction was not clear. Fifty percent of all board members stated that they would like to have guidelines developed for the re-credit of remission. Hence, members who had expressed general satisfaction with the process were still concerned about the elements of a case that should be considered routinely when deciding whether to re-credit remission, and when choosing the amount of remission to be re-credited.

NPB Comments on Areas for Change. As with CSC respondents, board members were asked whether there was anything in the suspension and revocation process that they would like to

TABLE 19

NPB COMMENTS ON AREAS FOR CHANGE*

Response	Percentage of Respondents
The delay in providing inmates with a hearing is often too long	35%
Board member's workloads are too high	32%
A better system is needed for monitoring the supervision of inmates	22%
The organizational split between NPB and CSC is problematic	16%
Decision-making guidelines for board members should be developed	13%

* Question: Is there anything in the suspension and revocation process that you would like to see changed?

see changed. Nineteen percent of board members expressed the view that nothing in the process required change. Of the remaining 81% of respondents, the most frequent comments are presented in Table 19. Thirty-five percent of board members were also concerned about the length of time that it takes to provide inmates with a hearing and their explanations for the delay were generally the same as those given by CSC staff. In this regard, delay was sometimes discussed in the context of another observation (32%) that their workloads were too high. Board members sometime spoke of holding eight to ten hearings in a day, of travelling early in the mornings and late in the evenings, and of having to review files on weekends to keep up with their

work. It appears that board members see little opportunity within their current workload to reduce the delay of post-suspension hearings.

Twenty-two percent of board members felt that a better system is needed for monitoring the supervision of inmates. Board members expressed a need to know more about the progress of inmates on a continuing basis, and to be aware of how parole officers were responding to problems. While reports are regularly sent to the NPB on all inmates, it was clear that the number of inmates under supervision and the workload of board members prevents their systematic overview of most cases. Only those cases that were perceived as being particularly high risk were selected for close monitoring by the Regional Manager of Case Supervision.

The organizational split between NPB and CSC was mentioned as problematic by 16% of board members. This discussion usually included reference to the National Parole Service before 1978 when parole officers and parole board members were under the same organizational umbrella (Solicitor General of Canada, 1977). While board members generally reported good relations with CSC staff, without direct authority, board members sometimes said that it was difficult to influence CSC methods of reporting, or to direct the actions of CSC staff in particular cases. For example, in one case a board member felt that the actions of an inmate warranted suspension of his release, and

accordingly the board member issued instructions that a suspension warrant be issued. However, both the parole officer and his supervisor felt that suspension was not appropriate, and ultimately refused to comply. In order to ensure suspension, the board member (at considerable inconvenience) prepared documentation and issued a warrant under his own authority. It was felt that this situation would not have occurred if board members held direct authority over parole staff.

Lastly, 13% of board members stated that decision-making guidelines for board members should be developed. There was concern whether given the complexity of most cases, other board members would perceive cases the same way as they do. Board members generally did not specify particular guidelines that might be implemented.

V. CONCLUSION

While many of the findings presented in this report might lead to further discussion, the purpose of this final section is to discuss particular issues that have implications for policy and to make recommendations based on our findings. Issues are addressed under four headings: 1) CSC documentation; 2) time delay; 3) criteria for suspensions and revocations; and 4) criteria for re-credit of remission.

CSC Documentation. Several types of information from files were excluded from this study because independent file coders could not reliably agree on the precise meaning of the contents of documents. Of particular importance, information could not reliably be gathered from special reports on the inmate's performance since release. While low reliability may be a function of a poor data collection instrument, or poor judgement on the part of file coders, it seems more likely to reflect the nature of the information. Reports on file varied considerably; they ranged from a single sentence to several pages of explanation and contained different types of information. Sometimes statements were unclear, or conflicted with other statements in the report or elsewhere in the file. Similar observations have been made by other researchers (Waller

(1974, p. 128 Carrière and Silverstone, 1977, p. 50). The latter researchers in particular observed that there was lack of clarity, consistency and uniformity in parole files.[67]

Clearly, reports were not written with the expectation that they would be scrutinized for specific items of information. Gottfredson and Gottfredson (1982) point out that unrestricted, narrative presentations allow practitioners to emphasize those points that are considered especially important to the case. In reading reports of parole officers in this study, it was sometimes evident that the writer was attempting to present the facts without making generalizations. For example, general statements that "the inmate made strong efforts to improve himself" were rare as were statements that "he had made very little effort"; instead, specific instances of both positive and negative behaviour were described. Presumably, presenting all the facts as they appear is preferable because it allows board members to draw their own conclusions. Nevertheless, in the case of CSC suspension reports, the findings of this study lead us to conclude that decision-making would be assisted by a structured reporting form that requires documentation of specific information.[68] Based on a list of factors that are normally considered important (informed in part by the present study), the form might specify such factors as satisfactory or unsatisfactory efforts to seek

employment, previous release experience, or the parole officer's estimate of the likelihood that the inmate will commit further crime. Each factor should be carefully defined for the user, ensuring as much as possible that the same standards are used in ratings. At the same time, in order to preserve important discretion and ensure that special aspects of cases are highlighted, the parole officer should be given the opportunity to comment on any factor or amplify information on the case, and also make a narrative summary of the case where it is considered necessary.

There are several benefits that might accrue from a structured reporting form. First, in many cases parole officers would be able to expeditiously summarize cases. The identification of factors and elaboration as appropriate would certainly require less time and effort than would the long compositions that were sometimes found in the files - though it is recognized that complexities in a case may sometimes require lengthy reporting. Second, independent board members are more likely to perceive cases in the same way. There may be disagreement on the proper weight to be given to different factors, and on the appropriate action that should be taken. However, it would be easier to assess various elements in a case, and the manner of presentation would exert less influence. While it is unclear whether this would affect the rate of concordance between the recommendations of parole officers and the final decision of

board members, it would reduce any perception (implied in studies cited earlier) that board decisions are determined more by parole officers' recommendations than by the facts of cases.

Finally, greater uniformity in reporting would better ensure fairness in the parole suspension and revocation process. It has been argued that justice requires that similiarly situated offenders be treated similarly.[69] While parole officers and board members in interviews often remarked on the unique quality of every case before them, structured reporting would aid the difficult task of identifying the relevant differences and similarities among cases.

Time Delay. As noted in the description of NPB procedures, the board must provide the inmate with a hearing "as soon as practical" (Parole Regulations, Subsection 20(2)). The results of the study showed that the average time between the initial detention of the inmate and final decision by the board was seven weeks, and that there was considerable variation among regions. In separate analyses of cases that took more than 45 days, it was found that a major factor in delay was the provision of a hearing.

It is a matter of interpretation as to what constitutes reasonable or unreasonable delay. Yet, there would appear to be general agreement that the average delay found in the

present study is unsatisfactory. In the report of the Senate Committee on parole (Goldenberg, 1974), it was stated that the process should not take longer than two months, and that parole should automatically be reinstated where the board had not met the time limit. The present study found that 27% of cases referred to the NPB took more than two months to complete. Similarily, in the Solicitor General's Study on Conditional Release (1981), it was recommended that procedures be amended so that inmates would be provided with a hearing within two months of their request. While the Federal Court in a recent case brought before it did not specify what constituted acceptable delay,revocation was quashed on grounds which related to delay.[70] Because board members failed to provide the inmate with a hearing while they were present at the institution in which he was detained, and because the NPB failed to provide sufficient evidence that it was unable to conduct a hearing at that time, it was held that the board did not meet its obligation to provide a hearing "as soon as practical".

It became clear in the interviews that several parole officers and board members were also concerned with delay in the process. Some believed that it was wrong to hold inmates in a state of uncertainty for long periods of time. In its discussion of delay during suspension proceedings, the Ouimet report similarly stated: "that an offender should not be left in prolonged uncertainty as to his future is a

matter of important correctional principle" (1969, p. 347). Some interview respondents were also concerned that inmates were frequently detained within a local jail, and that this could become very stressful to the inmate. Finally, respondents noted that if an inmate should ultimately have his suspension cancelled, a long delay will frequently have disrupted ties with his family and job.

Give these findings, we recommend that action be taken to reduce delay. The first step may be to further investigate procedures in order to determine whether delay could be reduced within existing resources.[71] For example, it was suggested in the Solicitor General's Study of Conditional Release (1981) that the NPB should coordinate with provincial bailiffs and seek certain amendments to the Criminal Code in order to respond sooner to inmates who have requested a hearing but who are held in local custody to await the outcome of police charges. The merits of this suggestion notwithstanding, it is expected that most changes in procedure will have limited effect. It is evident that board members' workloads are very great. Perhaps the most effective solution to the delay in providing inmates with a hearing is to increase the number of board members or to appoint hearing examiners (Solicitor General's Study of Conditional Release, 1981, p. 62).[72]

Criteria for Suspension and Revocation. As noted earlier, the Parole Act, the Parole Regulations, and the CSC and NPB policy and procedures manual give parole officers and board members considerable discretion in the suspension and revocation process. The statutory criteria "to prevent a breach" and "to protect society" provide authority to suspend in a variety of circumstances. It was also noted that the suspension and revocation process has considerably changed within the last decade and that the process is still in a state of transition. To assist parole officers' and board members' adjustment to changing conditions, and to provide some resolution to important issues throughout the process, it is recommended that a clear set of guidelines be established.

The present study found that almost all suspensions contained a violation of a release condition. Some violations were serious, and about one fifth of cases reported evidence of a violent offence which led to a police charge or court conviction.

There were often indications that specific violations were not the sole reason for suspension, nor for later decisions to revoke. The results from the interviews indicated that several factors are frequently considered throughout the process, including the inmate's general performance while on release, his motivation to change, and his willingness to cooperate. Analysis of the file data

showed that, when those inmates who were revoked for a technical violation or non-serious charge or conviction were compared on other variables with those which had been revoked for a serious charge or a conviction, differences emerged which supported the hypothesis that the latter cases were perceived to be overall "lower risk" and hence "required" a serious charge or a conviction in order to be revoked, whereas the former cases were perceived to be overall "higher risk" and hence a technical or relatively non-serious violation was "sufficient" as a basis for a revocation.

Our findings, taken together with those in the literature (see Part II), suggest that there are two major sets of reasons behind suspensions and revocations: "reactive" and "proactive". When strong evidence exists that the inmate has committed a serious crime, there is little need to consider the inmate's criminal history, whether he is employed or not, or other factors relating to risk; the decision in this case is reactive. Consideration of risk to reoffend is precluded by the fact that he has already reoffended. When the inmate has not committed a violation, but there are signs based on current performance and previous criminal record that he is a high risk to commit further crime, suspension and revocation may be considered necessary to prevent a crime from occurring. The decision in this case is proactive.

It seems that parole officers and board members may be less proactive now than they were a few years ago. Consider the following excerpt from an interview with a parole officer who was commenting on a parolee who had just been charged with murder, and whose suspension he had cancelled three months earlier:

> "He slit a dog's throat because it was killing chickens, threw the dog's body in a river. You or I might take it to the SPCA or ask if another home could be found or try to find some other owner for it. But those things, are they enough to recommend a revocation? ... In the past we could anticipate illegal behaviour and we could deal with it before it occurred ... now we have to wait. I knew this guy X was going to commit an offence, we knew it!"

In fact, it is probably rare that parole officers could be certain that an inmate is about to commit a crime. Studies on recidivism have demonstrated that it is difficult to predict which individuals will reoffend and when (Monahan, 1981). Nonetheless, parole officers have a traditional responsibility to "provide the best possible control" (CSC, 1983, p.162), and it is expected that both parole officers and board members will continually make their best judgement with respect to inmates' risk of reoffending. As illustrated in the example above, however, the role of risk assessment in initiating suspension proceedings appears to be changing.

It was noted in Part I that prior to 1977 there was no requirement to provide the inmate with reasons for

suspension nor to grant a hearing. Despite the harsh consequences of revocation, the ruling in the Mitchell case was that the inmate was still serving his sentence while on parole, and whether it was in the community or in an institution was an "administrative" matter.[73] In earlier years parole officers and board members were vested with wide discretion which enabled them to be proactive and suspend in order to prevent a breach, or to protect society.

It was also noted that there is currently a trend towards more due process in suspensions and revocations.[74] Amendments were made to the Parole Regulations, and both CSC and NPB have amended various procedures. Moreover, the courts are now willing to intervene in the suspension and revocation process, and it has been ruled that the inmate has a right to liberty which warrants a number of procedural safeguards. In addition to receiving written reasons for suspension, all inmates are entitled to a hearing and to be able to respond to all the facts against them. On the basis of various court judgements that have established these rights, it was suggested earlier that parole officers might be reluctant to suspend for reasons based solely on risk. In the case example above, although the parole officer had reasons to expect that the inmate would reoffend, these reasons were not considered sufficient to revoke his parole. Revocation was only used later as a reactive measure.

Despite the consequences in this particular case, there are reasons that justify some restraint on the discretion of parole officers and board members to act solely on the basis of risk. In the Solicitor General's Study of Conditional Release (1981), while short suspensions were considered effective to prevent further breach of conditions in some instances, it was argued that these suspensions should not normally lead to revocation.

One reason undoubtedly relates to the difficulty in predicting future criminal behaviour, and the inherent danger of overprediction. That is, by proactively suspending and revoking inmates who are believed to be at high risk of reoffending, many inmates will be suspended or revoked who would not have reoffended if they had remained under community supervision. Another reason may relate to a basic principle of justice: persons should be held accountable for what they have done, not for what they might do in the future. It could be argued that this principle should extend to inmates on conditional release.

There is another reason to limit the discretion to suspend and revoke in order "to prevent a breach of a term or condition of parole". It has been observed that most standard conditions of release were designed specifically to prevent crime (Jobson, 1972). When an inmate fails to report to his parole officer and he is subsequently suspended and revoked, it is implicit that the possibility

for further crime was the major concern, not simply that he missed an appointment. Again, this is consistent with the finding in the present study that most cases with minor violations which ended in revocation contained factors generally indicative of risk. Hence, standard conditions of release do appear to support a proactive approach. On this point, it has been argued by some that the conditions of release are too broad and that they allow too much discretion to suspend and revoke inmates (Ericson, 1975; Hugessen, 1972).

From another perspective, it may be that an incorrect interpretation of the changes that have occurred in the process has resulted in an excessive concern regarding what constitutes acceptable grounds for suspension and revocation. In court judgements to date, all rulings in favour of the inmate have been based on procedural matters, and the courts have avoided consideration of substantive facts. Formally, "reasons" for suspension and revocation have never been an issue. In fact, in a recent court decision "risk to society" was deemed sufficiently specific as a criterion for revocation.[75] In this case the inmate claimed that his revocation was unlawful because it was based on his pre-parole behaviour, and also because "risk to society" was too vague to serve as grounds for revocation. While there was no ruling on whether pre-parole behavior was proper justification for revocation, the decision of the

lower court and the appeal court was that "risk to society" was specific enough as grounds for revocation. It would therefore seem that criteria for suspensions and revocations have not changed, and that parole officers and board members are still at liberty to suspend and revoke for proactive reasons.

It is precisely because of this last point that clear guidelines need to be established for suspensions and revocations. Many practitioners do perceive a change in acceptable criteria, which may explain why 16% of parole officers and 13% of board members mentioned during interviews that they would like to have clearer direction. There is a sense that the environment has changed, but the implications for decision-making are not clearly understood. The inevitable consequence of this is that individual interpretations of this new environment are guiding decisions on how cases should be handled. While the parole officer in the example above decided that his perception of behavioural problems was insufficient basis for seeking revocation, another parole officer might have come to a different conclusion.[76]

It is recommended that all possible grounds for suspension and revocation be reviewed and that a clear set of criteria be established. To this end, many important issues will need to be addressed. For example, is it desirable to suspend inmates in order to prevent a breach of

a term or condition of parole, or to protect society? If yes, how should risk be defined? Should it include consideration of the inmate's previous criminal behaviour, his drinking habits, or his ability to maintain interpersonal relationships? Is it legitimate to consider the inmate's release status in determining risk? Perhaps inmates under mandatory supervision should be considered a higher risk by virtue of their status, or perhaps consideration should be limited to other factors?

If it were decided, as recommended in the Solicitor General's Study of Conditional Release (1981), that revocation should not be used for the purpose of prevention of a breach of "conditions", there would still remain some important questions in working with the standard conditions of release. There was some evidence from the file that there exists a "grey area" of "technical" violations. Specifically, in some cases of "whereabouts unknown", it was not clear that the inmate had failed to report, nor that he had left his designated area. Yet, when an inmate has disappeared, these are the only two conditions that would seem to apply (see Appendix A). There were also reports of violations of special instructions. It is not a condition of release that inmates must follow the specific instructions of parole officers or board members, unless they are formally established as special conditions of release. In both these situations, the behaviour of the

inmate could be considered a violation of his condition of release "to obey the law and fulfill all legal and social responsibilities". Yet, if it were considered improper to suspend solely on the basis of prevention, then perhaps the requirement to fulfill "social responsibilities" should be removed because it leaves an opening as wide as the "prevention" provision.

Even if the requirement to fulfill social responsibilities were removed, there would still be some question as to how other standard conditions should be enforced. While inmates may find it difficult to secure a job under the best of circumstances, if the local unemployment rate is 30%, should parole officers be expected to suspend an inmate for failing to "endeavour to maintain steady employment"? In the case of inmates facing serious charges where it appears that they failed to "obey the law", what level of proof should be required for suspending and revoking? Some parole officers in the interview spoke of a dilemma where an inmate has been charged but his performance up to that point had been good, and the police are unable to share information regarding the evidence against him. Other than the fact of a police charge, there is no reason to suspend. Apparently, in addition to the complexities of being "proactive", there are situations where the decision to be "reactive" also requires considerable discretion.

It is clear that these questions are not easy to

answer. Any criteria would implicitly reflect underlying perceptions and attitudes about inmates and the objectives of conditional release programs, and it would not be easy to obtain consensus on these matters. However, if standards are not set at the policy level, parole officers and board members will be left to devise their own standards. The results of the present study suggest that there is considerable variety in the individual standards that have been set. By establishing an open and visible set of criteria, inmates would know better what is expected of them, and parole officers and parole board members would also know better what is expected of them. Finally, the interested public would be able to review the criteria and would be better informed about a process that is of concern to everyone.

Criteria for Re-credit of Remission. It is evident that inmates are revoked for a variety of reasons. The decision to revoke is often based on evidence of criminal activity of varying severity. Other decisions are based on violations of release conditions, in which case the underlying purpose is frequently to prevent further crime. It is also clear that the consequences of revocation vary according to the length of the inmate's sentence and the time remaining before warrant expiry date. It was found that the time remaining for inmates in the file study ranged from 15 days

to almost nine years. Notwithstanding the differences in reasons behind decisions to revoke and the different consequences to inmates, the results of the file review indicated that only 3% of revocation decisions were accompanied by a decision to re-credit remission.

The Solicitor General's Study of Conditional Release (1981) took the position that remission should be re-credited more often. It would seem that a major impediment to recrediting remission is the absence of a clear policy and that this is a necessary first step. In the interviews with board members, 50% commented that guidelines for recrediting remission should be developed.

Of course, establishing such guidelines would not be a simple task. Standards for the re-crediting of remission should correspond with standards for the suspension and revocation of inmates, which first require clarification. For example, if it were considered legitimate to revoke in the absence of a violation and solely for preventive reasons, then it would generally seem appropriate to re-credit more remission in these cases than if the inmate had violated his conditions of release.

Once acceptable grounds for revocation were established, in addition to reflecting the need for parity, standards for re-crediting remission could be designed for easy administration. Because board members operate under heavy workloads, re-credit of remission should not require

lengthy discussion and complex calculation of the inmate's sentence. It is probably most expedient, as is sometimes done now, to re-credit remission by having board members decide that a certain percentage of remission should be recredited and allowing the sentence administrator at the penitentiary to calculate the actual number of days. To further simplify decision-making, standards might exclude certain types of cases from consideration. For example, similar to forfeiture, perhaps inmates who are convicted of an indictable offence punishable by two years or more should automatically be left to serve their remaining sentence. In all cases where police charges form the basis of revocation, perhaps the decision to re-credit should be delayed until the outcome of the charges are known, indicating more clearly what the inmate should be held accountable for.

In summary, the conclusions that we have drawn from this investigation are the following: 1) CSC documentation in suspension proceedings should be structured to include specific information; 2) time delay should be reduced; 3) criteria should be established to guide decisions to suspend and revoke; and 4) criteria should be established to guide the recredit of remission. If these recommendations are followed, it is evident that several issues will have to be considered in greater depth, requiring further consultation with parole officers and board members, especially with regard to developing and implementing criteria for decision-making.

FOOTNOTES

1. This section describes the process as it existed during the period in which file data was collected, March 1, 1983 to February 29, 1984. The NPB Policy and Procedures Manual, dated November 14, 1983, has since been amended. Changes to the process with current references are footnoted.

2. The term "inmate" in the Parole Act and Parole Regulations is used to refer to persons released from a federal penitentiary under day parole, full parole, or mandatory supervision. The term is used in this way throughout the present study. The pronoun "he", which is sometimes substituted for the name "inmate", is not intended to refer specifically to male inmates, but rather to male or female inmates. No attempt is made in this study to examine possible differences in the suspension/revocation process between male and female inmates. The suspension cases for the file review were drawn randomly from all suspensions issued during a one-year period. Seven of the 629 cases were female; the data for these cases were not analyzed separately.

3. An amendment has been made to the Parole Regulations since the time of this study. The minimum number of board members required to vote in all cases of revocation and termination is currently three (P.R. 1985-724).

4. The excerpt below, taken from the CSC policy and procedures manual (1982, p.163), demonstrates the caution that parole officers must exercise in cases that involve charges:

> "The fact that a person under supervision has been charged with a new offence is not sufficient in itself to justify the issuance of a Warrant of Suspension. A warrant should not be issued merely to prevent the release on bail of a person under suspension charged with a new offence, because by law a person is deemed innocent until convicted by a court of competent jurisdiction.
>
> Notwithstanding the above, if elements of the charge (e.g., a revolver and mask found in a parolee's car; parolee apprehended inside a store at night carrying stolen goods to a waiting truck, etc.) are strongly indicative of criminal involvement, a Warrant of Suspension shall be issued." (Emphasis original.)

5. Where 14 days is insufficient time to reach a conclusion, the parole officer must place the case within NPB jurisdiction and then request a seven day extension to complete his investigation (CSC, 1982, p.181).

6. CSC officers may not cancel suspension in cases where the inmate violated a special release condition; where the inmate returned to Canada following parole for deportation (NPB, 1982, p. 108); or where suspension had been ordered by a member of the NPB (CSC, 1982, p. 181).

7. In cases where the parole officer is not able to make an expeditious inquiry and reach a firm conclusion, "a suspension may be the best action, depending on the circumstances, to protect society while allowing additional time to conduct a thorough investigation of the case" (CSC, 1982, p.76).

8. Inmates retain statutory remission that stood to their credit before July 1st, 1978 (NPB, 1983, p. 113).

9. While reference to a previous section on reviews and hearings remains, a new section has been added to the NPB manual that generally explains the purpose of a hearing (NPB, 1985, p.114(a)). A hearing should be "an examination, through an assessment of the inmate's risk that he represents to either himself or society, in order that the Board can render a decision with regard to his suitability for return to the community".

10. See note 3. The current requirement for 3 Board members to vote in a case eliminates the possibility of split decisions.

11. During the period of study, the Board was not required to grant a "post-revocation hearing" to the inmate. The NPB manual has since been amended to ensure that inmates are given a hearing upon request (1985, p.111).

12. (1975), 241 CCC (2d) 241 (SCC).

13. [1965] 1 CCC 168, 43 CR 252 (SCC).

14. (1974), 18 CCC (2d) 385, 50 DLR (3d) 349, 3 NR 391 (SCC).

15. Supra, note 12. There was strong dissenting opinion in the Mitchell case which demonstrated an ideological split in the Supreme Court on whether parole decisions should be reviewed (see Wright, 1976).

16. (1983) 40 O.R. (2d) 128.

17. Caddedu, Ibid, and Regina v. Nunery, January 13, 1983, Supreme Court of Ontario, unreported.

18. Regina V. Swan, June 16, 1983, Supreme Court of British Columbia, unreported, and Regina V. Martens, August 10, 1983, Supreme Court of British Columbia, unreported.

19. Lowe V. The Queen, March 11, 1983, Supreme Court of British Columbia, unreported, and Re Couperthwaite and National Parole Board, (1983) 70 CCC (2nd), Part 3, 172 (Federal Court Trial Division).

20. Mason V. The Queen, April 15, 1983, Supreme Court of Ontario, unreported.

21. MacAllister V. The Queen, March 27, 1984, Quebec Superior Court, unreported.

22. For changes that have been implemented, see supra, notes 3 and 11.

23. See Swan and Martens, supra, note 18, and Mason, supra, note 20.

24. See Mason, supra, note 20.

25. When an inmate under mandatory supervision has been revoked, and he has less than 61 days remission standing to his credit upon his next release date, he will no longer be subject to mandatory supervision and will be released to the community (CSC, 1982, p.143.).

26. For a more complete review of parole selection studies, see Nuffield (1982).

27. These findings led both authors to conclude that the NPB was serving to mitigate harsh sentences from the courtroom.

28. For discussion of objectives that might be served by early conditional release, see Gottfredson and Gottfredson (1982) and Ministry of the Solicitor General (1981).

29. Moore v. The Queen [1983] 1 S.C.R. 658, 41 O.R. (2d) 271, 4 C.C.C. (3d) 206, 33 C.R. (3d) 99.

30. Further understanding of the revocation process is important to parole outcome research. Most researchers must make a decision in their research on whether to place revocation cases within the failure category. For example, Nuffield (1982) limited her failure group to inmates who had been re-arrested for an indictable offence, while Waller (1974) included inmates that had been revoked for technical violations. It has been shown that this choice will signicantly influence results (Gottfredson et al; 1982).

31. Largely excluded from this review is a series of American studies that focus on the dynamics of decision-making by parole officers (see Demers, 1978). A variety of extralegal factors have been found to operate, including informal organizational demands (McCleary, 1975; Takagi, 1973), and the personality attributes of parole officers (Dembo, 1970). While such variables are an important component of decision-making, their study was considered beyond the mandate of the present project.

32. Unlike the Canadian system where there is a 14 day suspension period, inmates were recalled by the Board and immediately returned to a penitentiary. While inmates had the opportunity to make representations and appeal the decision, only 8% of decisions were reversed. Further, the consequences of a decision to revoke were less severe than in Canada. Inmates in England also earn remission for up to one-third of their sentence, but it is unaffected by the Board's decision to revoke. It was reported that the average time remaining before sentence expiry was less than nine months.

33. While both researchers studied within different regions, more importantly, they assumed different approaches. Waller selected a sample of inmates that were re-arrested, determining how they returned to the correctional system, whereas Nicolas began with a sample of suspended inmates and followed their course.

34. CSC offices are not formally required to maintain warrant control logs, and in fact, two offices did not. Based on the caseload of these offices, an estimate was made on the number of suspensions that would have occurred, and extra cases were drawn for the study sample from other offices in the region. This was to

ensure that the size of the sample from each region was proportionate to the actual number of suspensions.

35. The assumption was made that board members would normally focus on Special Reports when making a decision. This was because of the heavy workload and time contraints under which board members operate (see Part IV), generally preventing them from spending much time on earlier documentation, and also because broad summaries of the case were often provided by the parole officer.

36. Excluded were three cases in which the NPB had not rendered a final decision by the time of file review.

37. Third party information designated confidential cannot be shared with the inmate (Privacy Act). One example is a verbal police report where the officer feels that disclosure might prejudice an ongoing investigation.

38. Some cases of robbery were limited to the threat of violence.

39. The short duration of release might be interpreted as evidence of "post-release trauma", that is, the stress associated with transition from an institution to the community may lead some inmates to commit further crime (see Irwin, 1970). It has been noted that this theory appears to be overstated (Minor and Courlander, 1979), or is unsupported (Davis, 1980) when mathematical computations are done correctly. Without comparative data, it is difficult to address this question in the present study.

40. In 24 cases, it was evident that the parole officer was suspended in order to prevent a breach from occurring. In six cases, the inmate had asked to return to the penitentiary, and in four cases, it was considered that the inmate required immediate psychiatric care. In the remaining cases, general problems were described - frequently coined in the phrase "deterioration of behaviour". It is interesting to note that 16 of the 24 inmates ultimately had their suspension cancelled, four had their release terminated, and only four were revoked.

41. This category was considered important in order to reveal the number of suspensions and revocations that may mask another crime, an issue raised in the Solicitor General's Study of Conditional Release

(1981). In the collection of data, it was sometimes evident that a suspension warrant was issued while police were still conducting an investigation, and in other cases, the police were simply not informed of the offence. It was not clear from the files whether police refrained from laying a charge in the knowledge that the inmate would be suspended.

42. While it does not directly refer to a condition on the release certificate, "whereabouts unknown" is indicated separately as violation of a standard condition because the phrase was used frequently by parole officers and the violation was usually considered more serious than either "failure to report" or "leaving the area without permission". As noted in footnote 3, Appendix A, the requirement for inmates to keep their parole officer informed of changes of address has recently been added to the list of conditions on the release certificate.

43. The ordering of types of violation is only an approximation of severity. There may be cases, for example, where failure to report is actually considered more serious than if the inmate had been charged for a minor offence. "Whereabouts unknown" was placed separately, above most other types of technical violations, because it has been found elsewhere to be a particularly serious violation (Nuttall, et al., 1976).

44. Table 5 indicates that one inmate under mandatory supervision and two inmates under full parole were suspended for violation of CCC/CRC regulations. In some cases, inmates under release programs other than day parole may reside at a Community Residential Centre (CRC).

45. Ten warrants had been issued for failure to report, leaving the area, or whereabouts unknown. The warrants were withdrawn when the inmate re-appeared. In two cases, inmates were facing minor charges, and the parole officer had reconsidered the need for suspension.

46. In the "Other" row in Table 6, in three cases the NPB made a decision before receiving a recommendation from CSC. In another case, the inmate committed suicide shortly after being placed into custody.

47. It was found in an American study that the perceived likelihood of obtaining a revocation and the perceived personal cost will influence the parole officer's decision to support revocation (Prus and Stratton, 1976).

48. A chi-square test confirmed the statistical significance ($X^2(1) = 84.92$, $p < .001$) of the influence of a charge or conviction on final outcome. A 2 X 2 contingency table was created, distributing cases according to final outcome (cases revoked versus cases that were cancelled or terminated) and the most serious violation committed (charge or conviction versus less serious violations).

49. Chi-square tests similarly confirmed that cancellation or termination was more likely where the most serious violation pertained to either a CCC/CRC regulation ($X^2(1) = 30.46$, $p < .001$) or a special release condition ($X^2(1) = 14.86$, $p < .001$).

50. In preliminary analyses, cases that ended in termination (62) were placed with revocation cases, and then subsequently were placed with cancellation cases. In both situations, a mixed set of regression equations and low correlation coefficients resulted.

51. For example, Nuffield (1982) used regression analysis among other techniques to develop a decision-making model for parole release decisions, and reported R^2 values in the order of .15. At the national level, Table 9 indicates that R^2 values ranges from .18 to .20.

52. It is possible that if a wider range of variables representing performance were reliably coded and included in the study, then more variables would have entered into the analyses. However, the fact that certain types of information were not reliably reported (such that different readers would often have different interpretations of the same reports) suggests that a systematic relationship between performance variables and outcomes would not be found.

53. For the Atlantic region, $\underline{t}$ (75) = .16, n.s.

54. A Duncan multiple range t-test ($p < .01$) was performed in this analysis.

55. $\underline{X}^2$ (1) = .631, n.s.

56. $\underline{X}^2$ (1) = 116.687, $p < .001$.

57. Temporary board members are appointed for one-year, renewable terms, and are called upon to serve when full-time board members are absent, or when workloads are unusually high.

58. Because of the open nature of questions, the percentage of respondents that made the same comment was often found to be small. For example, it can be seen in Table 15 that the most frequent comment made by CSC respondents regarding change was that signing authority for suspension warrants should be further delegated, and that it was made by 25% of respondents. This does not mean that only 25% of parole staff agree with that view, and that the other 75% either disagree or feel neutral on the subject of signing authority. If explicitly asked for their opinions on the subject, it is expected that considerably more respondents would have stated that signing authority should be further delegated.

59. In particular, factors numbered 1, 3, 13, and 14 in Table 14 were added to the list.

60. Information supplied by Offender Programs, Correctional Services Canada, 1985.

61. In response to questions relating to reasons for decisions, respondents generally offered more than one reason, and it was often emphasized that a combination of factors determines their decisions.

62. One of the 161 persons in the CSC sample refused to rate the factors.

63. Supra, footnote 21.

64. Supra, footnote 19.

65. Up to the point of study, board members in the regions would conduct a hearing with the inmate and then forward his file to headquarters if additional votes were required - in the case of inmates serving sentences for murder, a total of seven votes are required before they can be released under community supervision. However, recent court rulings (O'Brien & Ford, November, 1984) require that all voting board members be present for the inmate's hearing. This has led the NPB to permanently shift many of its members at headquarters to the regions.

66. National Parole Board, "Fiscal Year 1982-83 Decision Report", January, 1984.

67. Social psychological studies have demonstrated how subtle differences in wording can affect the message received (see Kelley, 1971). In the context of parole reports, Robinson (1967, cited in Waller, 1974, p. 18)

found that facts placed in a different order conveyed different impressions. For example, the phrase "He has been steadily employed but he recently went on a drunken binge" has more negative connotation than "He recently went on a drunken binge, but has been steadily employed". This illustrates the complexity of the task faced by coders, and more importantly, how open narrative reports may provide an unsound basis for judgement.

68. CSC reports are emphasized because they normally contain the fullest explanation of cases, and board members must heavily rely on them in making decisions. However, a more structured NPB Comment Sheet would provide the inmate and others with a clearer explanation for decisions. This is consistent with a proprosal for a "data feedback system" in the Solicitor General's Study of Conditional Release (1981), which would increase the visibility of parole decision-making factors.

69. For discussion of the concept of "fairness" in parole decisions, see Gottfredson and Wilkins (1978).

70. Duncan, Lutz, Lennox and National Parole Board, December 10, 1984, Federal Court Final Division, unreported.

71. It was evident during interviews that the NPB already exercises initiative to minimize delay. Normally, cases that are referred to the NPB with the recommendation to cancel suspension are brought before board members for a preliminary review, even though the inmate may have requested a hearing. If board members agree with the parole officer's recommendation on the basis of the inmate's file, then board members forego the post-suspension hearing and submit their votes to cancel suspension.

72. On June 27, 1985, Bill C-67 was tabled in the House of Commons that would considerably increase the number of National Parole Board members.

73. Supra, footnote 12.

74. The differences between the current and the former process for suspensions and revocations corresponds with the "due process" and "crime control" models developed by Packer (1968). Whereas the expedient "repression of crime" may have once been central to the process, it appears that formal and adversarial fact-finding is now receiving greater emphasis.

75. Tombs and National Parole Board, October 05, 1984, Federal Court Appeal Division, unreported.

76. Where it is strongly expected that an inmate will commit a crime but a release condition has not been broken, one Area Manager explained that he normally advises the parole officer to issue any type of special instruction. In many cases, the inmate will fail to comply, and the parole officer can then suspend on that basis. While the manager did not consider this to be wholly legitimate, it was believed to be an effective means to an important end.

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APPENDIX A

DESCRIPTION OF CONDITIONAL RELEASE PROGRAMS[1]

The following is a description of full parole, day parole and mandatory supervision. Differences and similarities among these three programs are discussed. Temporary absence was not included in the study because suspension and revocation procedures do not apply to temporary absences.

Full Parole. Parole is a conditional release program whereby inmates are permitted to serve part of their sentence under supervision in the community. Most inmates are eligible for full parole after serving one-third of their sentence or seven years, whichever is shorter. Parole eligibility for life sentences varies according to the nature of the conviction: 25 years for first-degree murder; 10 to 25 years (as determined by sentencing judges) for second-degree murder; 7 years for life as a maximum (e.g., importing narcotics). In recent years about one-third of all inmates in penitentiaries have been released on parole.

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[1] This section is based on information extracted from the National Parole Board Policy and Procedures Manual, and also the Correctional Service of Canada Case Management: Policy and Procedures Manual. The presentation reflects the programs and polices at the time the study occurred; recent changes in policy and procedures are described in footnotes.

Day Parole. Day Parole is a more limited form of release than full parole. Inmates are generally eligible for day parole at one-sixth of their sentence, or after serving six months, whichever is longer. Inmates serving life sentences are eligible for day parole three years before their full parole eligibility date. Day parolees may return to an institution each night, but in most cases they reside in a community correctional centre, administered by the Correctional Services of Canada, or in a community residential centre, operated by a private aftercare agency. Day parolees are expected to follow a pre-arranged program and to abide by the rules of the residence, including curfew. The duration of day parole is normally four to six months, though it can be renewed and last up to one year.

Mandatory Supervision. Mandatory supervision is a conditional release program whereby inmates are required to serve the remitted portion of their sentence under suprervision in the community. Inmates earn remission for satisfactory performance in the institution, at a rate of 15 days remission per month served. Hence, an inmate who earns all the remission available would be released on mandatory supervision after serving two-thirds of his sentence. In practice, most inmates earn all or almost all their remission. Mandatory supervision does not apply to life and indeterminate sentences.

Discussion

An essential difference between the two types of parole and mandatory supervision is that parole is granted at the discretion of the National Parole Board (NPB), whereas release on mandatory supervision is an automatic consequence of earned remission and does not involve a discretionary decision. Applications for day parole and full parole are reviewed by at least two Board Members, and based on a variety of factors, a decision is made to grant or deny parole.[2] Inmates who are denied parole, or who waive parole, are released under mandatory supervision.

There are some important similarities among the three types of release. All inmates on conditional release are placed under the responsibility of the Correctional Service of Canada (CSC) and are supervised by a CSC parole officer (CSC) or a staff member of a private agency under contract with CSC to provide supervision services. It is incumbent upon the parole officer to ensure that he abides by the conditions of his release and to assist the inmate in his efforts to establish himself in the community.

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[2] For a description of the factors that may be considered before an inmate is released on parole, see A Guide to Conditional Release for Penitentiary Inmates, 1982. Section II in the present study reports those factors that appear to be most important to Board Members' decision-making.

Upon leaving the penitentiary, day parolees, full parolees, and inmates under mandatory supervision are presented with a release certificate which contains the following standard conditions:

1. To remain until expiry of sentence under the authority of the designated Representative of the National Parole Board.

2. To proceed forthwith directly to the area as designated in the instructions and, immediately upon arrival report to the Parole Supervisor and as instructed by the latter thereafter.

3. To remain in the immediate designated area and not to leave this area without obtaining permission beforehand from the Representative of the National Parole Board, through the Parole Supervisor.

4. To endeavour to maintain steady employment and to report at once to the Parole Supervisor any change or termination of employment or any other change of circumstances such as accident or illness.

5. To report to Police ☐ Yes ☐ No

   If yes ☐ on a monthly basis

   or ☐ as required hereafter _____

6. To obtain approval from the Representative of the National Parole Board, through the Parole Supervisor; before:

   a) purchasing of motor vehicle;
   b) incurring debts by borrowing money or installment buying;
   c) assuming additional responsibilities such as marrying;
   d) owning or carrying fire-arms or other weapons.

7. To communicate forthwith with the Parole Supervisor or the Representative of the National Parole Board if arrested or questioned by police regarding any offence.

8. To obey the law and fulfill all legal and social responsibilities.[3]

In addition, if it is deemed necessary by NPB, any inmate may be given one or more special release conditions, such as "abstain from alcohol and drugs", or "refrain from associating with particular persons". The inmate is informed at the time of release that violation of any of the standard release conditions or special release conditions may result in recommitment to a penitentiary.

Full parolees and inmates under mandatory supervision commence their release under "intensive" supervision which stipulates a meeting with the parole officer at least once every two weeks. After four to six months, a case may be placed in the "active" category and subsequently, in the "periodic" category with each step involving a decrease in

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[3] In July 1984, the set of conditions was amended to remove the need to obtain approval to purchase a motor vehicle and to assume additional responsibilities, such as marrying. A new condition was added, requiring the inmate to keep his parole officer informed of changes of address.

contact with the parole officer.[4] A reduction in supervision status must take into account the inmate's adjustment and level of risk to the community, and requires the approval of the parole officer's supervisor. Day parolees are maintained in the intensive supervision category for the duration of their program.

Some release planning is done prior to release. Shortly after release, the parole officer must ensure that the inmate uses a program plan consistent with his particular needs. A progress plan typically focusses on living arrangements, employment,vocational training, personal development, and leisure activities. Throughout the supervision period, the progress of the inmate is documented and NPB is informed of developments in the case.

Suspension proceedings may be initiated when a condition of release is violated or, where there are problems which suggest that a violation may occur.

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[4] In October, 1984, the Correctional Service of Canada changed its policy to stipulate that all new releases on parole or mandatory supervision will remain in the intensive supervision category for a minimum of six months, and that all those who committed or attempted to commit a crime involving violence for which they were convicted on the current sentence or within the last seven years, will remain in the intensive category for a minimum of one year.

APPENDIX B

DESCRIPTION OF INMATES IN THE SAMPLE

Table 20

Sex of Inmate

		Number	Percentage
Male		622	99
Female		7	1
	TOTAL	629	100

Table 21

Age of Inmate

Mean	29.48 years
Range (n = 624)	17.68 - 73.28 years

Table 22

Type of Community Release

	Number	Percentage
Mandatory Supervision	306	49
Full Parole	104	16
Day Parole	219	35
TOTAL	629	100

Table 23

Marital Status

	Number	Percentage
Single	375	63
Married	50	8
Common Law	107	17
Divorced	77	12
TOTAL	629	100

Table 24
Preferred Language

	Number	Percentage
English	453	72
French	114	18
English or French	52	8
Other	8	1
Unknown	2	.3
TOTAL	629	99.3

Table 25
Ethnic Origin

	Number	Percentage
Caucasian	531	84
Native	84	13
Negroid	14	2
TOTAL	629	99

Table 26
Education Level

	Number	Percentage
Primary	198	31
Grade 9-10	253	40
Grade 11-13	140	22
Post-secondary incomplete	21	3
Post-secondary complete	5	1
Unknown	12	2
TOTAL	629	99

Table 27
Aggregate Sentence*

Mean	4.59 years
Range	2-25.35 years
(n = 616)	

* Excludes 1 inmate with habitual status and 8 inmates with life sentences

Table 28

Number of Current Offences

	Number	Percentage
1 - 4	322	51
5 - 10	198	32
Over 10	109	17
TOTAL	629	100
Mean	6.7	
Range	1 - 90	

Table 29

Most Serious Current Offence*

	Number	Percentage
Violent		
Homicide	41	7
Attempted Murder	6	1
Sexual Offence	45	7
Assault	81	13
Robbery	204	32
Non-Violent		
Break and Enter	166	26
Automobile Theft	1	.2
Theft Over $200	23	4
Theft under $200	6	1
Possession of Stolen Goods	13	2
Fraud	15	2
Possession of Offensive Weapon	3	1
Drug Offence	16	3
Other Criminal Code Offence	9	1
TOTAL	629	100

* Severity was defined according to the Uniform Crime Reporting Scale

Table 30

Number of Previous Offences*

	Number	Percentage
0	55	9
1-5	149	24
6-20	304	48
Over 20	114	18
Unknown	7	1
TOTAL	629	100

*As indicated in CPIC reports

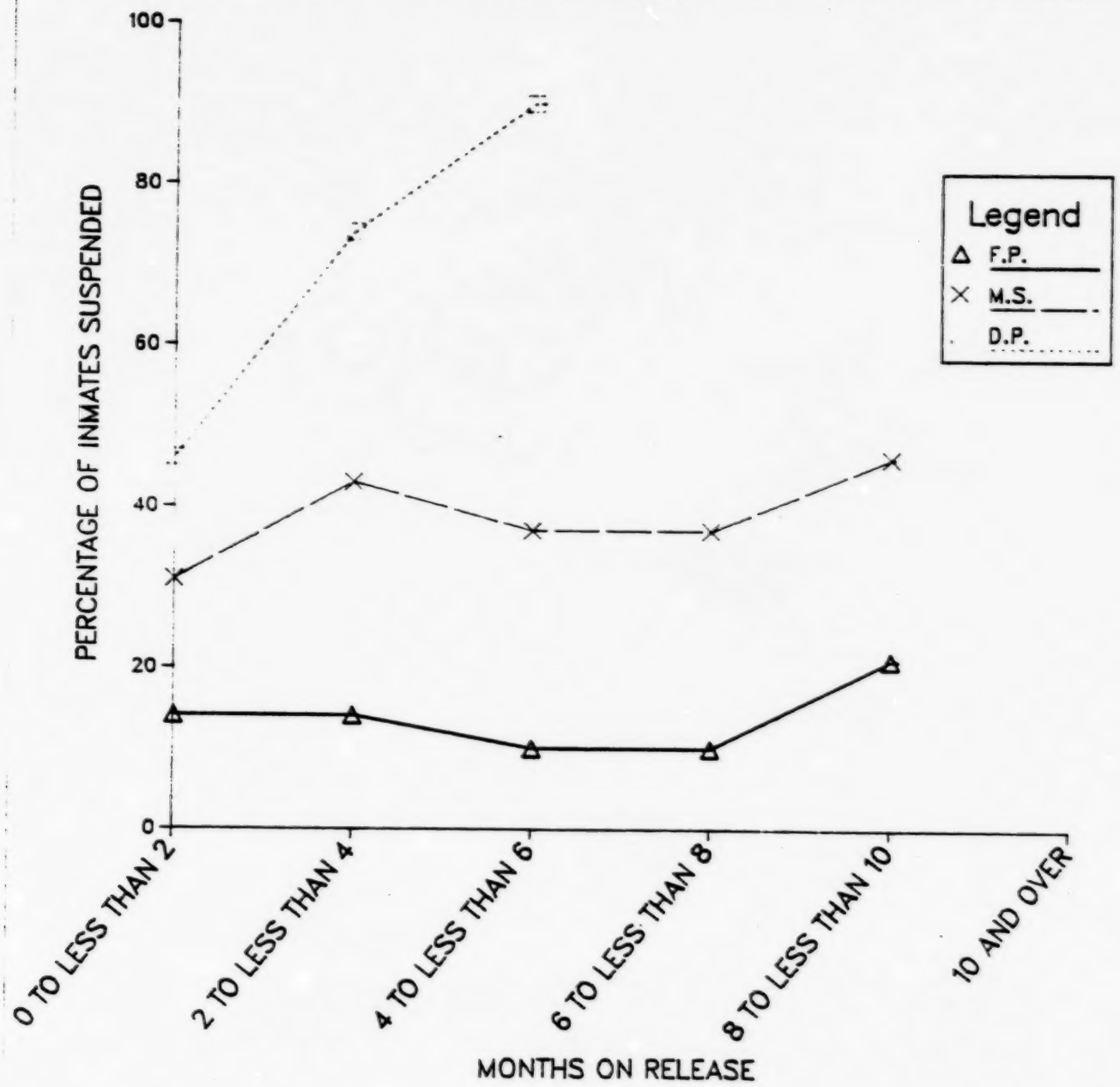
Table 31

Previous Federal or Provincial Institution Committals

	Number	Percentage
Yes	516	82
No or Unknown	113	18
TOTAL	629	100

FIGURE 3

DURATION OF RELEASE ACCORDING TO CONDITIONAL RELEASE PROGRAMS *



*: At each time interval, percentages were based upon the number of inmates that were not yet suspended.

APPENDIX C

MULTIPLE REGRESSION ANALYSES

I. Variable Index[a]

Dependent Variables

A. Final Outcome

Y_1 = 1 - release revoked
= 0 - suspension cancelled, either by CSC or NPB

B. Final CSC Decision

Y_2 = 1 - revocation recommended to NPB
= 0 - suspension cancelled, or cancellation recommended to NPB

C. Final NPB Decision

Y_3 = 1 - release revoked
= 0 - suspension cancelled

Independent Variables

A. Current Violation

A_1* - charge or conviction involved
A_2* - whereabouts unknown at time of suspension
A_3* - charge became conviction before NPB decision
A_4* - number of current violations (continuous)
A_5* - current violation contains violence

B. Inmate Performance

B_1* - inmate suspended previously (in current release)
B_2* - inmate employed previous to suspension
B_3* - earlier violation(s) reported that did not result in suspension
B_4 - special release condition(s) added since release

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[a]. Unless otherwise indicated, variables had been dichotomized to values of "1" or "0". A variable equaled "1" when the defining statement was answered in the affirmative and equaled "0" if it was either negative or unknown.

Variables A_3, F_{10}, and F_4 were limited to "Final NPB Decision" analyses (Y_3).

* Indicates that the variable entered regression equations one or more times.

B_5 - inmate suspended earlier and/or earlier violation reported
B^6 - inmate resided with spouse or parents

C. Original Offence

C_1* - number of current offences (continuous)
C_2* - aggregate sentence (continuous)
C_3* - offence contains violence

D. Criminal History

D_1 - number of previous offences (continuous)
D_2 - first offence listed
D_3 - previous institution committals
D_4 - previous federal institution committals
D_5 - disciplinary offences committed during current sentence

E. Inmate Characteristics

E_1* - inmate identified as having psychiatric problems
E_2* - inmate identified with alcohol or drug problems
E_3* - age of inmate (continuous)
E_4 - inmate married or has common-law wife
E_5 - education level (continuous)
E_6 - native ethnicity

F. Situational Factors

F_1* - two or more special reports written at time of suspension
F_2* - Community Assessment completed at time of suspension
F_3* - post-suspension interview completed by parole officer that supervised inmate
F_4* - post-suspension hearing conducted by NPB
F_5 - time on current release (continuous)
F_6 - time remaining until W.E.D. (continuous)
F_7 - time remaining until W.E.D. is less than 2 months
F_8 - security rating of last institution (continuous)
F_9 - inmate was supervised by private sector
F_{10} - more than 45 days required before final decision

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* Indicates that the variable entered regression equations one or more times.

II. Multiple Regression Equations

A. FINAL OUTCOME

1. National

N = 516 Cases R SQUARED = .20 P <.01

$Y_1 = (.03+K) + .14\ B_1 + .38\ A_1 - .20\ F_2 + .12\ F_1 + .25\ A2$

K = .25 when release type is mandatory supervision[a]
K = .04 when release type is full parole
K = .15 when release type is day parole

2. Atlantic

N = 69 Cases R SQUARED = .37 P <.01

$Y_1 = (.03 + K) + .05\ C_2 - .39\ B_2 + .59\ E_1 + .08\ A_4$

K = .31 when release type is mandatory supervision
K = .20 when release type is full parole
K = .17 when release type is day parole

3. Ontario

N = 138 Cases R SQUARED = .21 P <.01

$Y_1 = (.17 + K) + .32\ A_1 + .30\ A_2$

K = .23 when release type is mandatory supervision
K = -.05 when release type is full parole
K = .01 when release type is day parole

4. Pacific

N = 73 Cases R SQUARED = .25 P <.01

$Y_1 = (-.08 + K) + .31\ A1 + .34\ F_1$.

K = .28 when release type is mandatory supervision
K = .17 when release type is full parole
K = .32 when release type is day parole

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a. While "release type" formed the basis of separate analyses, it was also forced into the intercept of each national and regional model.

5. **Prairies**

N = 108 Cases R SQUARED = .30 $P < .01$

$Y_1 = (.31 + K) + .39\ A_1 + .02\ C_1 + .30\ A^2$

K = -.04 when release type is mandatory supervision
K = -.17 when release type is full parole
K = -.24 when release type is day parole

6. **Quebec**

N = 128 Cases R SQUARED = .23 $P < .01$

$Y_1 = (-.09 + K) + .42\ A_1 - .26\ B_3$

K = -.59 when release type is mandatory supervision
K = -.34 when release type is full parole
K = -.65 when release type is day parole

7. **Mandatory Supervision**

N = 286 Cases R SQUARED = .10 $P < .01$

$Y_1 = .44 + .33\ A_1 + .20\ A_2$

8. **Full Parole**

N = 90 Cases R SQUARED = .20 $P < .01$

$Y_1 = .15 + .30\ A_1 + .07\ A_4$

9. **Day Parole**

N = 140 Cases R SQUARED = .24 $P < .01$

$Y_1 = .21 + .43\ A_1 + .26\ B_1 + .37\ A_2$

B. **FINAL CSC DECISION**

1. **National**

N = 502 Cases R SQUARED = .20 $P < .01$

$Y_2 = (.22 + K) + .12\ B_1 + .42\ A_1 + .24\ A_2$

K = .14 when release type is mandatory supervision
K = .01 when release type is full parole
K = .06 when release type is day parole

2. **Atlantic**

N = 69 Cases R SQUARED = .29 $P < .01$

$Y_2 = (.54 - K) - .31\ B_2 + .04\ C_1 + .51\ E_1$

K = .02 when release type is mandatory supervision
K = .16 when release type is full parole
K = .22 when release type is day parole

3. **Ontario**

N = 132 Cases R SQUARED = .15 $P < .01$

$Y_2 = (.60 - K) + .31\ A_1$

K = .09 when release type is mandatory supervision
K = .18 when release type is full parole
K = .27 when release type is day parole

4. **Pacific**

N = 72 Cases R SQUARED = .44 $P < .01$

$Y_2 = (-.04 + K) + .58\ A_1 + .34\ B_4 - .35\ F_2 + .50\ A_2$

K = .25 when release type is mandatory supervision
K = .08 when release type is full parole
K = .19 when release type is day parole

5. **Prairies**

N = 107 Cases R SQUARED = .24 $P < .01$

$Y_2 = (.56 - K) + .45\ A_1 + .31\ A_2$

K = .17 when release type is mandatory supervision
K = .22 when release type is full parole
K = .35 when release type is day parole

6. **Quebec**

N = 122 Cases R SQUARED = .29 $P < .01$

$Y_2 = (.07 + K) + .44\ A_1 - .25\ F_3$

K = .62 when release type is mandatory supervision
K = .28 when release type is full parole
K = .58 when release type is day parole

7. **Mandatory Supervision**

N = 282 Cases R SQUARED = .15 $P < .01$

$Y_2 = .42 + .40\ A_1 + .21\ A_2$

8. **Full Parole**

N = 86 Cases R SQUARED = .11 $P < .01$

$Y_2 = .35 + .34\ A_1$

9. **Day Parole**

N = 134 Cases R SQUARED = .24 $P < .01$

$Y_2 = .23 + .49\ A_1 + .38\ A_2$

C. **FINAL NPB DECISION**

1. **National**

N = 421 Cases R SQUARED = .18 $P < .01$

$Y_3 = (.47+K) + .13\ B_1 + .18\ A_1 - .12\ E_2 - .25\ F_2 + .13\ F_1$

K = .13 when release type is mandatory supervision
K = - .10 when release type is full parole
K = .09 when release type is day parole

2. **Atlantic**

N = 57 Cases R SQUARED = .34 $P < .01$

$Y_3 = (- .20 + K) + .02\ E_3 - .36\ B_2 + .34\ F_4$

K = .26 when release type is mandatory supervision
K = .16 when release type is full parole
K = .30 when release type is day parole

3. **Ontario**

N = 109 Cases R SQUARED = .12 $P < .01$

$Y_3 = .22 + K$

K = .57 when release type is mandatory supervision
K = .15 when release type is full parole
K = .38 when release type is day parole

4. **Pacific**

N = 65 Cases R SQUARED = .23 P<.01

$Y_3 = (.27 + K) + .36 F_1 + .43 A_3$

K = .08 when release type is mandatory supervision
K = .07 when release type is full parole
K = .12 when release type is day parole

5. **Prairies**

N = 93 Cases R SQUARED = .22 P<.01

$Y_3 = (.76 + K) + .23 A_1 - .23 C_3$

K = .09 when release type is mandatory supervision
K = - .09 when release type is full parole
K = - .09 when release type is day parole

6. **Quebec**

N = 97 Cases R SQUARED = .13 P<.01

$Y_3 = (.18 + K) + .29 A_1$

K = .52 when release type is mandatory supervision
K = .26 when release type is full parole
K = .52 when release type is day parole

7. **Mandatory Supervision**

N = 250 Cases R SQUARED = .10 P<.01

$Y_3 = .62 + .20 A_1 + .18 A_3$

8. **Full Parole**

N = 72 Cases R SQUARED = .10 P<.01

$Y_3 = .38 + .04 C_1$

9. **Day Parole**

N = 99 Cases R SQUARED = .13 P<.01

$Y_3 = .74 + .25 A_1 - .24 E_2$

APPENDIX D

TABLE 32

ANALYSIS OF RISK FACTORS

VARIABLES	DEVIATION	PROB.
*-Inmate married or has common-law wife	10.7	.00
*-Inmate resided with spouse or parents	18.3	.00
*-Exists earlier cancelled supension	-7.0	.05
- Community assessment completed at time of suspension	-3.3	.08
- Native ethnicity	-4.7	.11
- Two or more special reports written at time of suspension	-5.7	.11
- Inmate identified as having alcohol/drug problem	-6.3	.14
- Post-suspension interview completed by parole officer that supervised inmate	6.0	.16
- Inmate identified as having psychiatric problem	-4.0	.22
- Post-suspension hearing conducted by NPB	4.7	.25
- Current offence was first	-2.3	.28
- Special release condition(s) added since release	2.7	.31
- Inmate employed previous to suspension	3.3	.35
- More than one violation reported that did not result in suspension	-4.7	.46
- Earlier violation reports that did not result in suspension	2.3	.52
- More than 45 days required before final decision	2.3	.57
- Previous federal institution committal	-1.3	.73
- Current offence contains violence	1.0	.81
- Disciplinary offence committed during current sentence	0.3	.94
- Previous institution committal	0.0	1.00
- Inmate was supervised by private sector	0.0	1.00

Cont'n Table 32

T-TEST	MEAN	PROB.
*- Time on current release (in days):		
non-serious	69.4	.01
serious	135.2	
*- Time remaining until W.E.D. (in days):		
non-serious	438.6	.03
serious	332.6	
- Age of inmate (in years):		
non-serious	30.4	.11
serious	28.8	
- Inmate aggregate sentence (in years):		
non-serious	4.6	.71
serious	4.5	

* prob. .05

APPENDIX E

TABLE 33

CSC INTERVIEW SAMPLE ACCORDING TO REGION AND POSITION OF RESPONDENT

Position of Respondent	Region					
	Atlantic	Quebec	Ontario	Prairies	Pacific	TOTAL
Area Managers	5	4	5	1	2	17
Section Supervisors	4	-	3	5	6	18
Parole Officers	14	26	20	24	13	97
Super-intendents (CCC)	2	4	2	4	3	15
Parole Officers (CCC)	3	5	2	4	-	14
TOTAL	**28**	**39**	**32**	**38**	**24**	**161**
Interview Sites						
Parole Offices	5	4	5	5	4	23
Community Correctional Centres	2	4	2	4	3	15
TOTAL	**7**	**8**	**7**	**9**	**7**	**38**